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United States Department of the Interior
Bureau of Land Management

FINAL

Montana State Office

October 1992

Judith Valley Phillips
Resource Management Plan
Environmental Impact Statement

VOLUME TWO

The Bureau of Land Management is responsible for the stewardship of our public lands. It is committed to manage, protect, and improve these lands in a manner to serve the needs of the American people for all times. Management is based on the principles of multiple use and sustained yield of our nation's resources within a framework of environmental responsibility and scientific technology. These resources include recreation; rangelands; timber; minerals; watershed; fish and wildlife; wilderness; air; and scenic, scientific, and cultural values.

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FINAL

JUDITH—VALLEY—PHILLIPS RESOURCE MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT

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October 1992

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VOLUME 2

Prepared by

United States Department of the Interior
Bureau of Land Management
Montana State Office
Lewistown District Office
Judith Resource Area
Valley Resource Area
Phillips Resource Area

Public Comments & Responses

This section displays the public comments received on the draft RMP/EIS and BLM's responses to those comments. This section is organized into four parts:

1) Questions and comments from the public meetings held in July and August 1991

2) Letters and comment forms received.

3) Transcripts from the Malta and Lewistown public meetings held in October 1991.

4) BLM's responses.

All comments, written or oral, were reviewed and considered. Comments that presented new data, questioned facts or analysis, or raised questions or issues bearing directly upon the alternatives or environmental analysis were responded to in this final RMP/EIS. Comments expressing personal opinions and comments and letters received after December 1991 were considered but not responded to directly. Tables 1, 2 and 3 are keys to following the public comment process.

The draft RMP/EIS identified lands meeting BLM's acquisition criteria and those lands were shown in Appendix A and on Map 1 in the draft. These landowners were contacted in October, 1991, with individual letters advising them that if they did not wish to pursue an exchange with BLM they could easily have their land dropped from the RMP/EIS process. BLM received numerous requests (written and oral) to have lands removed from the Appendix, Map and planning process. Those lands have been removed from the process. The final RMP/EIS does not include a list of lands that meet the acquisition criteria. These requests are not responded to individually in the response section of the final RMP/EIS.

Table 1 details why some letters are not reproduced in this final RMP/EIS.

Table 2 details how public comments were indexed by issue or resource. For example, response C-2 refers to the second response for the Off-Road Vehicle issue. Each question or comment from the public meetings, letters, comment forms or transcripts that requires a BLM response is numbered to correspond with the appropriate response number.

TABLE 2
INDEX NUMBERS BY ISSUE OR RESOURCE

Index Number	Issue or Resource
A-1 to A-54	Land Acquisition and Disposal
B-1 to B-9	Access to BLM Land
C-1 to C-24	Off-Road Vehicle Designations
D-1 to D-18	Oil and Gas Leasing and Development
E-1 to E-28	Hardrock Mining
F-1 to F-27	Riparian and Wetland Management of Watersheds
G-1 to G-21	Elk and Bighorn Sheep Habitat Management
H-1 to H-47	Prairie Dog and Black-Footed Ferret Management
I-1 to I-21	Areas of Critical Environmental Concern
J-1 to J-35	Judith Mountains Scenic Area
K-1 to K-5	Acid Shale-Pine Forest
L-1 to L-3	Square Butte ONA
M-1 to M-36	Collar Gulch
N-1 to N-4	Azure Cave
O-1 to O-4	Big Bend of the Milk River
P-1 to P-4	Energy and Mineral Resources
Q-1 to Q-14	Vegetation and Grazing Management
R-1 to R-3	Noxious Plants
S-1 to S-22	Wildlife and Fisheries Management
T-1 to T-11	Recreation, Wilderness and Visual Resources
U-1 to U-6	Cultural Resources
V-1 to V-2	Forest Management
W-1 to W-6	Wild and Scenic Rivers
X-1 to X-14	Economic and Social Conditions
Y-1 to Y-43	Planning Process
Z-1 to Z-12	Other

TABLE 1
LETTERS NOT REPRODUCED IN THE FINAL RMP/EIS

Letter Number	
1, 2, 3, 14, 33, 37, 52, 60, 61, 83, 88, 107, 108, 116, 129, 131, 149, 150, 151, 156, 159, 166, 170, 176, 180, 188, 189, 210, 218, 233, 234, 288, 302, 305, 312, 339, 342, 365, 397, 399, 405, 406, 407, 408 and 409	These contacts requested copies of the draft RMP/EIS; requested information; asked about the status of the project; were duplicate letters; or were some other form of contact, but did not require a written response from BLM. These letters are not reproduced in this final RMP/EIS.

Table 3 details the public comments reproduced in this final RMP/EIS. Some of these comments added information to the planning process, but did not require a response from BLM.

TABLE 3
CONTACTS SHOWN IN THE FINAL RMP/EIS

Letter Number	Organization/Individual	Response Index Number(s)
4	Wicks Ranch Corporation (Joe C. Wicks)	A-2, A-11, A-25, G-4
5	Ducks Unlimited Inc. (Paul M. Buitsma)	F-13, Q-4
6	Richard R. Thweatt	I-14, I-15, T-7, I-17
7	Leroy Costin	A-6, A-11
8	International Varmit Association (William Roy)	
9	Cheryl Sears	
10	Charles Ereaux	U-5, I-15, I-17
11	Nancy R. Standley	I-14, W-3, I-15, T-7, I-17
12	Nancy Standley	I-14, W-3, T-7, I-15
13	William H. Boley	I-14, W-3, I-15, T-7
15	F. Lee Robinson	A-6, A-11
16	Laura Boyce	W-6
17	Henry C. Treak	I-14, W-3, I-15, T-7, I-17
18	Marlene Hassler	V-2
19	Richard D. Anderson	I-14, W-3, I-15, T-7
20	Mark Tokarski	Y-24
21	Montana Audubon Council (James Phelps)	C-10, D-3, F-14
22	Sherri Deaver	I-19
23	Southeastern Montana Sportsmans Association (Del A. Henman)	C-5, C-9
24	Harold Kelso	C-5, C-9, C-19, C-11
25	Truman Rogers	
26	Jim Conner	G-4
27	Wicks Ranch Corporation (Joe C. Wicks)	A-2, A-25
28	Wicks Ranch Corporation (Joy Wicks)	J-1, J-4
29	Wicks Ranch Corporation (Joy Reeder Wicks)	A-2, A-25
30	Jim Borgreen	
31	Gerald T. Sullivan	
32	Leon E. Carpenter	C-5
34	Jackie Foster	I-14, W-3
35	Golda H. Leininger	G-2
36	Kevin Mollett	C-5
38	Troy Blunt	Y-32
39	Jim Newby	Y-32
40	Montana Nature Conservancy (Joan Bird)	I-17
41	Lucy Newby	Y-32
42	Kent Williams	
43	Greg Oxarart	Y-32
44	Don Brewer	Y-32
45	Cecil Flinders	E-12
46	Joe Trow	Y-11, Q-12, Y-17, Q-10, Z-11, Z-4
47	F. Lee Robinson	A-11
48	Kathy and Tim Marcinko	I-14, W-3, I-15, T-7, I-17
49	Mr. Ken Baird	C-8, C-5
50	Theresa Frye and Robert H. Frye	
51	Don Lynn	H-11, A-1
53	Sierra Club (Rachel Kile)	I-8, K-2, L-3, I-14, I-15, C-12, C-1, C-2, T-7, S-4, E-6, D-4, D-5, T-9
54	Stephen V. Mayernik	
55	Donald Mazzola	I-14, W-3, I-15, T-7, I-17
56	Golda H. Leininger	A-49, A-9, A-50, A-51, B-9, Z-12, G-1, G-2, G-8, G-13, H-45
57	Charles F. Coe	H-1, H-12, H-4
58	Mike Lang	Y-32
59	Louis F. Angelilli	
62	Atcheson Outfitting (John D. Atcheson)	T-3, T-4

TABLE 3 (CONTINUED)
CONTACTS SHOWN IN THE FINAL RMP/EIS

Letter Number	Organization/Individual	Response Index Number(s)
63	Valley County Conservation District (Dick Rohde)	
64	Montana Nature Concervancy (Joan Bird)	
65	Shawn Wickhorst	
66	Sue Cozzens	I-14, W-3, I-15, T-7, I-17
67	Michael Petersen	I-14, W-3, I-15, T-7, I-17
68	Katheryn A. McDowell	
69	State Historic Preservation Office (Mark F. Baumler)	U-4, A-26, D-6
70	Montana Wildlife Federation (Joe Gutkoski)	
71	Allen Allen	
72	International Varmint Association (Fred Zeglin)	H-13, H-14, H-15
73	Telgen Land & Livestock Co. (P.M. Telgen)	
74	Joan K. McCormick	
75	The Ecology Center (Timothy M. Bechtold)	K-4, X-4, A-27, T-6, Q-2, S-4, T-5, Y-23, F-15
76	Rector & Hickel, Attorneys at Law (James D. Rector)	C-5
77	Mark D. Jasumback	J-10, J-34, F-16
78	U.S. Fish and Wildlife Service (Robert D. Jacobsen)	H-16, S-5
79	Ross Romero	J-7
80	Roy D. Engfors	J-10
81	Stillwater PGM Resources (Bruce Gilbert)	J-35
82	Eileen L. Hastad	A-49, A-9, A-50, A-51, B-9, Z-12, G-1, G-2, G-8, G-13, H-45
84	Dana Bauer	
85	Walter and Roger Siewing	
86	John R. Swanson	
87	Allan Oxarart	
89	Colgate Robinson and Irma Robinson	A-1, F-26
90	American Copper and Nickel Company, Inc. (Joy K Moseley)	J-34, F-16
91	Coast to Coast (Nelson H. Rome)	
92	Richard and Dianna Wojtowicz	I-14, I-15
93	Mark Siewing	
94	Gregory D. Zeihen	J-34
95	Winnett State Grazing District (Torger Sikveland)	
96	Jack Hughes	
97	Garfield County Commissioners (Robert N. Phipps and Lester D. Engdahl)	
98	Schell, Stephens, Riley and Huffine CPAs (Fred F. Schell)	
99	Vicki Olson	A-9, H-33, X-1, A-29, Z-2
100	Zortman Mining, Inc. (Connie Cole)	J-34, G-4, N-4, Y-16
101	Montana Association of State Grazing Districts (Steve Barnard)	
102	Montana Stockgrowers Association, Montana Public Lands Council and Montana Association of State Grazing Districts (Dean Kienenberger)	A-11, A-29, Z-2, A-9, A-3, A-7, B-1, B-7, F-1, F-20, H-30
103	Jan Abrahamson	A-39, Y-1, Y-35, S-21
104	Don Holshey	
105	Diana Holzhey	H-2, A-28, S-6, A-1, A-4, A-5, A-11
106	Mike Casben	A-2, A-11, Y-16, J-10
109	Montana Stockgrowers Association, Montana Public Lands Council and Montana Association of State Grazing Districts (Larry Descheemaeker)	A-11, A-29, Z-2, A-9, A-3, A-7, B-1, B-7, F-1, F-20, H-30
110	Fergus County Farm Bureau (Alan Shammel)	
111	Fergus County Extension and Lewistown Area Chamber of Commerce (Dave Phillips)	
112	Wicks Ranch Corporation (Joy Wicks)	A-11, A-2
113	Wicks Ranch Corporation (Joe C. Wicks)	J-1, A-11
114	Fergus County Commissioners (Donna Heggem)	A-11, A-9, D-2
115	Jenni Ranch (Nancy Jenni, Don Jenni, Esther Jenni and Lawrence Jenni)	A-9, J-1

TABLE 3 (CONTINUED)
CONTACTS SHOWN IN THE FINAL RMP/EIS

Letter Number	Organization/Individual	Response Index Number(s)
117	Clark Brevig	
118	Winifred FFA Chapter (Chris Heggem)	G-4
119	Wes Phillips	
120	CR Kendall (Robert Benbow)	J-31, J-32, M-28
121	Jack Hughes	
122	Jim Arthur	A-43, A-44
123	Dan and Laura Boyce	
124	Oscar Cantu	
125	Gary Boyce	
126	Gerald Petersen	A-11
127	William J. Cutler	C-5, C-8
128	Joe Trow	Y-30, I-3, I-2, A-48
130	Dick Knox	A-6, A-11, D-2, A-10, F-19
132	K-M Livestock Company (Ivan Kercher)	
133	Dean Strand	
134	Golda H. Leininger	
135	Department of the Air Force (Raymond Bruntmyer)	
136	Patrick E. Olson	
137	Judith River Farms (R.M. Stalmaster and Frank R. Thompson)	I-5
138	Peter M. Teigen Jr.	
139	R.R. Welch	
140	Orlie Linn	
141	Grace Simser	
142	Square Butte Grazing Association (Russell Lafond)	
143	U.S. Fish and Wildlife Service (Dale Harm)	
144	Golda H. Leininger	
145	Eskil Anderson	
146	Russell Lafond	
147	Peterson Ranch & Feedlot (Garde D. Peterson)	
148	Charles and Jeanne Bronec	Q-14, A-8
152	Adele Cummings	
153	Barthelmess Ranch (Leo Barthelmess)	
154	Samuel K. Phillips	
155	Stan Wulkowicz	C-5
157	Margaret R. Moore	E-7
158	Irv Benzion	H-18
160	E. Kenneth Elkins	
161	David R. Faley	J-10
162	Dean Strand	
163	Wade Warneke and Laura Warneke	
164	Wicks Ranch Corporation (Jim D. Wicks)	
165	Roger Jacobson	
167	LCM, Ltd (Joan McCormick)	
168	Pegasus Gold Corporation (John S. Fitzpatrick)	H-1, G-4, E-8, N-4, J-34, F-27
169	Petroleum County Commissioners (Brendan Murphy)	
171	Meredith Taylor	
172	Armand Tellier	
173	Jan Abrahamson	Y-35
174	Diane Holzhey	Y-35
175	Don Holzhey	Y-35
177	Charles H. Meyers and Grace M. Meyers	
178	Colgate and Irma Robinson	F-1
179	Square Butte Grazing Association and Cottonwood Grazing Association (Kenneth S. Truax)	
181	Helen W. Goll	
182	Explosives Technologies International (Ron Baldwin)	J-10, J-34, F-16
183	Bruce E. Cox	
184	Barry Gallagher	J-34
185	Eva Oxarart	H-20, Z-2, Y-1, A-4
186	Kent Turner, Jr.	J-34

TABLE 3 (CONTINUED)
CONTACTS SHOWN IN THE FINAL RMP/EIS

Letter Number	Organization/Individual	Response Index Number(s)
187	Louis F. Angelilli	
190	Arlene Roepke	
191	Norman Ranch (M.R. Norman)	
192	Pegasus Gold Corporation (John M. Willson)	I-10, J-34, M-8, H-21, F-16
193	Robert Hurly Attorney at Law	
194	Valley County Commissioners (Arthur A. Arnold, Eleanor D. Pratt and Gene C. Reimche)	
195	Paul Dale	
196	Montana Department of Fish, Wildlife and Parks (George Liknes)	V-1
197	Stephen V. Mayernik	A-9
198	Wade E. Warneke and Laura Warneke	A-9, H-44, R-1, G-1, G-2, G-13, G-4, A-29
199	Betty Oxarart	
200	Y3 Cattle Co. (Colgate and Irma Robinson)	
201	Gateway Simmentals (Emmet A. Butcher)	A-30
202	Gateway Simmentals (Darlene P. Butcher)	
203	Swinging H Cattle Company (Robert E. Weingart, Patricia Weingart, Teri Weingart and K.C. Weingart)	
204	Katherine E. Conrad	
205	Ellen V. Korsbeck	
206	Gary Blakemore	A-2, A-11
207	Harold L. Conrad	
208	Patrick G. Bronec	
209	Darius D. Hofer	
211	Wittmayer Grazing Association and Silver Dollar Grazing Association (Leonard Swenson)	
212	Vernon Taylor, Jr.	
213	Leon Rorie	
214	James M. Keniston	X-12, X-5, X-6, X-7, E-9, B-7, B-3, W-5, H-22, A-53
215	Phillips County Grazing District (Greg Oxarart and E.D. Kienenberger)	G-14, H-20
216	Bureau of Indian Affairs, Fort Peck	
217	Fauna West Wildlife Consultants (Craig J. Knowles)	H-24, H-23, I-12
219	Phillips County Commissioners (Sherman Doucette, Eugene Cowan and Wayne Stahl), Phillips County Clerk and Recorder (Ingelef I. Schwartz), Phillips County Treasurer (Ellen Jean Mavencamp), and Phillips County Assessor (Jeanne L. Barnard)	X-8
220	Fred K. Kindle	
221	Prairie Wind Architecture (Jeff Shelden)	
222	Jenni Ranch (Lawrence Jenni, Esther Jenni, Don Jenni and Nancy Jenni)	
223	Teigen Land & Livestock Co. (Mons L. Teigen)	A-6, A-11, G-4
224	Governor Stan Stephens	
225	Steve Schindler	
226	Defenders of Wildlife (Hank Fischer)	H-24, H-25, H-26, I-6
227	Land and Water Fund (Paul Zogg, Pamela Howell and Sandy Crane)	U-2, U-3, E-14
228	Harvey H. Fredericksen	
229	Richard A. Marshall	
230	U.S. Fish and Wildlife Service (John Foster)	
231	Montana Audubon Council (James Phelps)	S-7, C-10, D-7, G-13, N-1, I-4
232	William T. Harrer	A-11
233	J. M. Bailey	
234	Carley McCaulay	I-14, I-15
235	Tom Browning	
236	Donald Taylor	

TABLE 3 (CONTINUED)
CONTACTS SHOWN IN THE FINAL RMP/EIS

	Letter Number and Organization/Individual	Response Index Number(s)
237	Dwain M. Prellwitz	Z-8, Z-9, S-8, F-17, S-4, S-9, T-2, E-15, S-10, Z-6, S-7, S-11, S-12, S-13, S-14, S-15, S-16, S-17, S-18, I-18, E-16, E-17, I-20, I-21, I-17, I-16
238	Fort Belknap Community Council (Donovan Archambault)	U-2, U-3, I-15, E-14, Y-39, Y-40
239	Clarence Blunt and Shirley Blunt	C-5
240	Montana Mining Association (Gary A. Langley)	J-10, X-9, F-16, H-46, M-8
241	Tom J. and Jacqueline F. DeMars	A-4
242	William D. Snapp	
243	Tom J. and Jacqueline F. DeMars	
244	Willian D. Snapp	A-4
245	Paul Holzer Family	A-9
246	Steve Hale	
247	Merle Boyce, Cleo Boyce, Da Boyce and Gary Boyce	
248	Petroleum County Commissioners (Patricia Weingart, Brendan J. Murphy and William G. Solf)	Y-38
249	Teigen Land & Livestock Co. (P.M. Teigen)	K-1
250	Katheryn A. McDowell	
251	Lazy JD Cattle Co. (Jess Robinson)	
252	Mary A Criswell	
253	Harold D. Eide	
254	Kelly Koss	C-5, C-3
255	Sandra Koss	G-8, C-5, A-6, A-11, A-1, Z-2, A-9
256	Michele Koss	H-20, Z-2
257	Kevin A. Koss	
258	Martin Oxarart and Eva Oxarart	Z-2, H-20, H-19
259	Eldon W. Foster	
260	George W. Berg	
261	Alma M. LaBorn	
262	Winston Mitchell	
263	Upper Missouri Breaks Audubon Society (Margaret E. Adams)	L-1, L-2, I-14
264	W.R. and Jeannette Lee	
265	Don Burke	
266	Margaret Arnott	A-9
267	Michael R. Brown	M-17, M-18
268	Michael R. Brown	E-12
269	William R. French	
270	Ken Blunt	H-27, H-3, H-6, H-4, H-28
271	Charles and Lorraine Schwenke	
272	Floyd Kindle	D-8, H-17
273	W.M. Vaughey, Jr.	D-2
274	Fergus County Farm Bureau (Alan F. Shammel)	B-1, I-11
275	Patricia A. McNamee	B-2
276	A.W. Pratt	
277	Vera L. Coppedge and James L. Coppedge	
278	Chris King	
279	LCM, Ltd. (Joan Brevig McCormick)	
280	Clark A. Brevig and Gail V. Brevig	Y-5
281	Hal Machler	
282	William J Machler and Mary B. Machler	
283	Phillips Bar Diamond Ranch, Inc. (Wes Phillips and Robert K. Phillips.	
284	The Big Open Project (Bob Scott)	S-4, S-19, X-10
285	First Creek Ranch Inc. (Darrell L. Menge)	Q-7
286	Valley County Sprotsmen's Club (Skip Erickson)	C-6, C-1, C-5, C-24
287	Scott Cassel	D-9
289	U.S. Environmental Protection Agency (John F. Wardell)	Y-21, Y-22, K-5, D-18, M-1
290	Central Montana Resource Conservation & Development Area (Vern Petersen)	P-1, P-2, P-3, P-4

TABLE 3 (CONTINUED)
CONTACTS SHOWN IN THE FINAL RMP/EIS

Letter Number	Organization/Individual	Response Index Number(s)
291	Chris Barthelmess	F-1
292	May Grimsley	
293	Leo Barthelmess	
294	Teigen Land and Livestock Co. (Ann Teigen)	
295	Diane Wolfgram	A-31
296	Valley County Commissoiners (Arthur A. Arnold)	Y-38
297	Raymond A. Hale	
298	Mrs. Ken Perry	A-12
299	Billie Lou Arnott	
300	John Arnold	
301	American Fisheries Society (James Peterson)	
303	Fred W. Colver	
304	Casino Creek Concrete (Marvin L. Mathison)	Y-1, Y-2
306	Kathryn Wyman	
307	Wayne Wyman	
308	Don E. Pyrah	F-18, R-1, G-1, G-2, G-13, G-4
309	Jerry D. Hanley	M-12, M-13, M-14, M-8, M-15, M-9, M-20, M-22, M-24, M-25, M-26, M-21, M-23, M-29, M-4, A-15, A-7, A-32, A-9, M-31, M-33, A-4, M-10, M-34, E-28, M-32, M-35, M-3, M-36, M-5, M-6, M-7, M-2, M-1, M-16, M-30, M-27, E-21, I-5, T-8, J-21, J-23, J-13, J-14, J-15, J-6, J-7, U-1, J-28, J-16, J-33, J-24, J-25, J-17, J-12, J-30, J-11, E-22, E-23, Y-6, G-1, G-2, G-8, G-19, G-20, G-21, Y-16, B-1, B-3, B-2, C-20, A-52, A-11, F-19, H-1, N-4, J-10, J-11, E-11
310	Dan Kluck	
311	Edward Gray	A-9
313	Vernon Taylor, Jr.	
314	Montana Ranch Products (Molly Descheemaeker)	H-7, R-1
315	Larry Descheemaeker	
316	Texaco USA (E.C. Burritt)	D-10, A-33, D-11, D-12
317	Phillips Cattle Company (James E. Phillips)	
318	Spring Creek Colony (Rev. Paul Walter)	
319	Fergus County Commissioners (Vern Petersen, Donna Heggem and Alfred B. Miller)	
320	Michael S. Phillips for Samuel K. Phillips	
321	Phillips County Livestock Association (Ross Wiederrick)	A-34, F-1, H-27, H-3, H-4
322	James Geyer	N-4, J-2, H-1, G-4, F-14
323	Cornwell Ranch (Walter Cornwell)	A-35, A-6, A-11
324	Douglas Coffman	S-20, Y-7, Q-5
325	Lewistown Area Chanber of Commerce (Webb Scott Brown)	J-8
326	Mary R. Milburn	B-8, C-13
327	C.E. "Ted" Lucas	
328	Judith Basin County Commissioners	Y-18
329	Ted Myllymaki and Saima Myllymaki	
330	John S. Gilpatrick	
331	Troy Blunt	G-14
332	Walter and Roger Siewing	
333	Phillips County Commissioners (Sherman Doucette, Eugene Cowan and Wayne Stahl)	X-1
334	Gladys Silk	
335	The Glasgow Courier and Courier Printing (Joan Helland)	
336	Selma W. Hanley	
337	Conoco Inc. (A.L.G. Bisso)	D-2, D-13
338	John A. Matovich	
340	PN Ranch (David and Jackie Holmgren)	X-11, Y-1, Q-7
341	Joyce J. Petrik, K. Gordon Petrik and G. Lewis Petrik	
343	Norma Kelly	

TABLE 3 (CONTINUED)
CONTACTS SHOWN IN THE FINAL RMP/EIS

Letter Number	Organization/Individual	Response Index Number(s)
344	David Skiff	
345	Montana Stockgrowers Association (Jim Courtney, Walt Collins and Mark Davies)	Z-2, A-9, A-3, A-7, B-1, B-7, F-20, H-30
346	Gene R. Horyna	A-6, A-11, A-15, F-27
347	The Environmental Media Centre (Charles Jonkel)	
348	Northwest Federation of Mineralogical Societies (Jon Spunaugle)	T-1, D-14, T-2
349	Steve Forrest	H-13, A-8
350	John Hughes	A-8, Q-7
351	Lewis and Clark National Forest (John D. Gorman)	M-19
352	Montana Wilderness Association (Cedron Jones)	Y-16, Y-20, Q-13, B-7, C-15, C-14, C-21, C-22, C-23, T-10, D-15, S-7, D-16, D-4, T-2, K-3, E-24, E-15, E-25, F-21, F-22, F-24, Y-9, O-3
353	Iverson Ranch-Dovetail (Lee Iverson)	
354	Lund # Ranch, Inc.	A-11, A-7, B-4, C-3
355	William S. Lyle	G-4, H-31, S-7, Z-7, F-27, N-4, I-1
356	TEE Bar Land & Livestock Inc. (Warren Taylor)	A-36
357	Francis V. Jacobs	
358	Ervin J. Crowder	
359	Mrs. Donna Crowder	
360	Salsbery Family Limited Partnership (Kevin Salsbery)	
361	Salsbery Family Limited Partnership-Salsbery Ranch, Inc. (Kevin Salsbery)	A-2, A-11, C-5, C-3, F-23, H-1
362	E.D. Kienenberger	
363	Shammel Ranch (Alan Shammel, Stephanie Shammel, Maurice Shammel and Betty Mae Shammel)	Z-10
364	U.S. Fish and Wildlife Service (Robert D. Jacobsen)	H-32
366	Lewistown Insurance (William R. Price)	J-9, M-1
367	Kevin J. Ryan	J-27, E-18, M-1, J-34, Y-16
368	Maurice Shammel and Betty Mae Shammel	A-9, I-5
369	O.S. Rife	
370	Schultz Ranch (John S. Schultz and Nancy Schultz)	
371	Christensen and Hubble, Attorneys at Law (James A. Hubble)	
372	Saima Myllymaki and Ted Myllymaki	
373	J.D. Lumber, Inc. (Jeff Weimer)	
374	Surenuff Cattle (Bill and Bobbie Cox)	
375	American Rivers (Thomas J. Cassidy, Jr.)	W-2, W-1, W-4
376	Dennis Descheemaeker	
377	William J. Berg and Nancy R. Berg	
378	Joe Trow	Y-1
379	Dale S. Ployhar	
380	Ted Kelly	
381	W.M. Anderson	
382	John Ployhar	
383	CR Kendall (Robert D. Benbow)	I-9, E-10, J-35, J-18, J-26, J-19, M-1, M-23, M-11
384	Ernest A. Olson	A-29, Z-2, A-9
385	Jason M. Olson	A-29, A-9
386	Michelle Olson	Z-2, A-29
387	Lillian Olson	Z-2, P-1
388	Darrell Olson	H-20, A-9, P-1
389	Loving U Ranch (John R. Matovich)	
390	Katy Matovich	
391	Western Environmental Trade Association (Peggy Olson Trenk)	A-37, A-9, J-22, E-10
392	Dick Gardner, Ivy Gardner, Shari Gardner and Ray Gardner	F-11
393	William Hubbell	I-6, T-2, N-2, T-6
394	Hugh Brookle and Janeen K. Brookie	F-25
395	Gracia A. Hilde	T-6
396	Northern Ag Service (Mike Lang)	C-5
398	Rocky Mountain Oil and Gas Association (Claire M. Moseley)	D-2, D-13

TABLE 3 (CONTINUED)
CONTACTS SHOWN IN THE FINAL RMP/EIS

Letter Number and Organization/Individual	Response Index Number(s)
400 The Wilderness Society (Sandy McIntyre)	K-2, I-14, I-17, I-15, T-9, C-1, C-2, S-4, D-4, D-5
401 Mark Slewing	
402 National Wildlife Federation (Thomas France)	Y-22, E-8, E-14, N-3, E-19, E-20, D-4, D-17, Y-41, I-6, Q-6
403 The Wildlife Society (Keith E. Aune)	F-17, E-15
404 U.S. Bureau of Mines (John R. Norberg)	A-38, J-29
410 Daniel R. Struckman	
411 Pamela S. Williams	
412 Floyd R. Hill	
413 Montana Farm Bureau Federation	A-29, X-13, Y-1, A-11, Y-42, A-9, A-1, A-15, F-20, G-14, I-11, J-1, J-32, J-8, Y-2, X-7, H-1, J-2, Y-35
414 Blaine County Commissioners (Curtis C. Moxley, Arthur Kleinjan and Keith Benson)	
415 Valley County Commissioners (Arthur Arnold)	
416 Chouteau County Commissioners (John E. Witt)	
417 Hill County Commissioners (Nora Helson, Kathy Bessette and Lloyd Wolery)	
418 Petroleum County Commissioners (Bonny L. Allen)	
419 Fergus County Commissioners (Vern Petersen, Alfred B. Miller and Donna Heggem)	
420 Valley County Commissioners (Arthur A. Arnold, Eleanor D. Pratt and Gene C. Reimche)	Y-43
Formal Statements - Malta Public Meeting, October 1, 1992	
Vicki Olson	A-9, H-33, X-1, A-29, Z-2
Connie Cole	J-34, G-4, N-4, Y-16
Steve Barnard	
Kevin Koss	G-15
Muncie Taylor	C-3
Ken Blunt	H-34, H-3, H-4, H-35
Bill French	H-44
Dean Kienenberger	A-11, A-29, Z-2, A-9, A-3, A-7, B-7, B-1, F-1, F-20, H-30
Jan Abrahamson	A-39, Y-1, S-21
Don Holzhey	S-22, H-36
Curtis Starr	
Wayne Stahl	
Diane Holzhey	
Mike Ereaux	F-1
James Rector	C-5
Wes Koss	G-4, G-16, G-3, Z-2
Jeanne Barnard	
Ken Noland	
Michele Koss	
Willard Abrahamson	
Greg Oxarart	
Edwin Koss	
Formal Statements - Lewistown Public Meeting, October 2, 1992	
Kevin Ryan	J-10
Hal Machler	A-6, A-11
Mike Casben	A-2, A-11, Y-16, J-10
Bob Fink	
Gary Langley	J-10, J-34, F-16
Jim Heller	
Jerry Hanley	J-10, J-11, M-1, E-11, E-21
Lee Iverson	Q-7
Larry Descheemaeker	A-11, G-4, A-29, Z-2, A-9, A-3, A-7, B-7, F-20

TABLE 3 (CONCLUDED)
CONTACTS SHOWN IN THE FINAL RMP/EIS

Letter Number and Organization/Individual	Response Index Number(s)
Warren Willmore	
Alan Shammel	
Mike Brown	M-18
Dave Phillips	
Joy Wicks	A-11, A-2
Joe Wicks	J-1, A-11, G-4
Tom Peters	
Chuck Hauptman	Y-19
Bill Berger	A-9, G-1, G-2, G-4, I-11
Dennis Descheemaeker	
Golden Leininger	G-8
Donna Heggem	A-11, D-2
Dick Knox	A-6, A-11, D-2, A-10, F-19
Don Jenni	A-9, J-1
Robert Hanson	A-29, X-13
Joe Trow	Y-30, Y-11, Y-31, Y-17
Clark Brevig	A-9
Chris Heggem	
Wes Phillips	
Robert Benbow	J-31, J-32, M-28
John Hughes	
Jim Arthur	A-43, A-44
Gary Blakemore	A-6, A-11, A-45
Cleo Boyce	
Gary Boyce	
Russ Gjerde	
Jerry Ogrin	
Gerald Petersen	A-11
Ken Noland	
Larry Grinde	Y-1, Y-2, X-14, E-21, X-3, Y-37, G-7, G-4, A-9, B-3, A-12, H-44, Y-35
Eldon Foster	
Trampis Heble	Y-15
Cecil Flenders	Y-1

SUMMARY OF PUBLIC MEETINGS

Introduction

During the summer of 1991, the Lewistown District Office of the Bureau of Land Management held public meetings concerning the draft Judith Valley Phillips Resource Management Plan and Environmental Impact Statement.

The public meetings were held to allow people to ask questions, allow BLM the opportunity to respond to questions, encourage the public to submit written comments, and allow written questions and comments to become part of the public record.

These meetings were held in seven locations in July and August, 1991 (Malta 7/23, Glasgow 7/24, Hays 7/25, Winifred 7/29, Billings 7/30, Winnett 7/31, and Lewistown 8/1); 436 people attended the public meetings (Malta 137, Glasgow 21, Hays 18, Winifred 80, Billings 33, Winnett 47, and Lewistown 100).

The questions and comments summarized in this report are just that—summaries. They are not exact quotes, but were prepared by BLM representatives who attended each meeting. They do convey the concerns, questions and attitudes of those attending the public meetings. This summary also includes those written comments received during the public meetings.

Summary of the Questions and Comments	*Response No.*
What is the importance of the black-footed ferret? Why does the ferret need to be reintroduced?	H-5, H-2
Why does the document identify such a large area for management of the black-footed ferret?	H-6
What is the cost for ferret reintroduction?	H-7
How and when is BLM going to control prairie dogs?	H-4
No one supports or wants ferret reintroduction. Why is BLM going forward with this plan?	H-2
Management prescription #1, page 84. Where would the seasonal restrictions for elk and bighorn sheep be placed? Over the entire mountain range, or just in especially sensitive areas?	G-5
Have elk and bighorn sheep been given primary consideration in the Little Rocky Mountains over mineral activities?	G-6
How can BLM say they will provide for elk expansion into the Little Rocky Mountains and bighorn sheep expansion when they do not know what the current population numbers are, or what the areas carrying capacity is? Expansion to what levels?	G-1, G-2
What does withdrawal revocation mean? Is it a double negative?	Z-1
Some land identified on the acquisition map is not correct. Private land is identified as BLM. Taxpayers are paying for this plan and this mistake should never have happened. Who was responsible for the maps?	Z-2
Why doesn't BLM have a picture of a cow on the cover? Other uses of public land are shown.	Q-7
Will BLM condemn the land identified for acquisition?	A-9
Why does BLM need to acquire land? Concerned about Malta as a viable ranching community if the plan went through.	A-4
The document should show that cows are the economic mainstay of the economy.	
Some roads are not located correctly on the maps and some maps do not have the road system. This is a misrepresentation of the area and should be corrected. It makes the area look like wilderness.	Z-2
Some streams are not correctly labeled on the maps.	
Why did BLM identify so much land for acquisition? You identified six times the amount of BLM land identified for disposal.	A-6, A-11
It looks like BLM wants all the land shown for acquisition. This does not seem like much of an exchange program.	
What is the basis for the assumptions in the economic analysis?	X-1
How much land in the Big Bend ACEC is identified for acquisition?	O-2
The Big Bend area is covered by tepee rings. What are you going to do with the Big Bend ACEC?	O-1

BLM should have some type of access into Azure Cave for the public. There are also other caves in the area.	N-1
Because of the off-road vehicle restrictions in the plan, the animal populations will not decline and crop damage will occur on private land.	
Most people in the area are against off-road vehicle restrictions. Most of the people on the Coordinated Resource Management Planning group for off-road vehicles were from Glasgow. Only a few were from Malta.	
Would BLM use condemnation for access?	B-3
What is BLM's definition of riparian? Is it the same as Agricultural Stabilization and Conservation?	F-1
What is BLM planning to do to improve riparian? Will the cow numbers be cut?	F-2
Does BLM have a big problem with the riparian areas?	F-3
BLM's proposal for riparian and wetlands is overblown. Why raise more ducks when there is no limit on harvest in Mexico?	F-4
If BLM isn't going to use condemnation now, will BLM come back in a couple of years and use it then?	A-12
How do we know BLM won't change and use condemnation? How will everyone know if BLM plans on changing?	A-12

Public Meeting Glasgow Montana July 24, 1991

Why didn't the BLM use the Coordinated Resource Management Planning recommendations for off-road vehicles? Specifically the exception for game retrieval.	C-6, C-5
The document should allow for game retrieval.	C-5
Why would BLM want to acquire land along Frenchman Creek?	A-13
Would the BLM trade for lands along Rock Creek?	A-14
How does the Mixed Grass Prairie ACEC fit into the RMP? How does it relate to the Grassland National Park in Canada?	I-14
Does the preferred alternative for the Acid Shale-Pine Forest ACEC exclude livestock grazing?	K-1
What would be the primary method for access?	B-3
The entire area should be open for off-road vehicles. Restrictions are not necessary. At least game retrieval should be allowed.	C-5
How would BLM acquire the additional access that is identified?	B-3
Acquiring access and restricting off-road vehicles in the same area seems like a contradiction.	B-4
How does the land exchange process work?	A-8

Will the permittee have the first chance to buy a BLM tract?	A-8
Why does BLM want the lands identified for acquisition? What are the specific reasons?	A-4
What will BLM do to manage the lands acquired?	A-10
Doesn't BLM have enough land already?	A-1
What is the value of the land? Who does the appraisals?	A-15
Who identified my private land for acquisition?	A-3
Was Fish and Game behind the identification of lands for acquisition?	A-3

Public Meeting Hays Montana July 25, 1991

This type of mining, no matter how environmentally sound it is conducted, conflicts with the Native American way of life and how to treat mother earth.	
The RMP should consider a total withdrawal of the Little Rocky Mountains as another alternative.	I-15
The Little Rocky Mountains is the watershed for the reservation and is sacred to the people.	
The RMP should consider returning the Little Rocky Mountains to the Fort Belknap Reservation.	Y-10
The RMP should consider concurrent reclamation of mining disturbance before issuing any new permits. A mining company should be allowed only one permit at a time.	
Indian religious practices are being disturbed. You have to go elsewhere, at great personal expense, for fasting.	
BLM is not fulfilling its trust responsibilities to the Native Americans. The RMP does not, but should address the trust responsibilities BLM has for the Fort Belknap Reservation.	Y-10
These meetings are no use. I have had it with BLM, Tribal Council, Indian Health Service and Bureau of Indian Affairs. Nothing ever gets done we just talk. Maybe it is time for civil disobedience similar to what has been happening in Canada.	
There are deer with their hair falling out in the Little Rocky Mountains. The mine is causing this.	
The mine has caused a high incidence of birth defects and stillbirths due to water pollution.	E-26
Why aren't religious sites protected under the National Historic Preservation Act?	U-6
We don't trust the mining company or the BLM.	
The RMP does not coordinate with tribal land management plans nor does it predict impacts to the Indian way of life and use in the Little Rocky Mountains.	U-5, Y-39
There are no fish in Kings Creek. Those present have eyes that bulge out.	E-27
How do we buy BLM parcels? What is the process for disposing BLM land?	A-8

Summary of the Questions and Comments	*Response No.*
What are the off-road vehicle designations next to the reservation and how do they work?	C-7
The Scenic Area ACEC will set a precedent for mining across the west.	
The RMP does not address the traditional values on the reservation and does not identify fasting sites that are used in the Little Rocky Mountains.	U-5
What are you planning to do in riparian and wetland management?	F-2
Is the format consistent for all the public meetings?	Y-27
The document contains nothing that would give the adverse effects on Native Americans. There is no discussion about what mining does to the efforts of the traditional Native American to practice their culture, religion, etc. The document is inadequate in this point and should be withdrawn and supplemented. We have provided a great deal of material in the IBLA appeals that should have been considered.	U-5, Y-39
The RMP does not mention the globally unique plant communities that were reported to the BLM some time ago by the Montana Natural Heritage Program in their proposed ACEC for Saddle Butte. It does not mention that the people obtain their medicines up in the mountains and what will be the effect of the mining on this activity.	I-17, U-5

Public Meeting Winifred Montana July 29, 1991

Statements

My name is Dick Knox, President of the Missouri Breaks Multiple Use Organization and a State Representative. On the format for tonight's meeting, if you do not have written testimony you will not have the opportunity to speak to the group. This is a violation of a community meeting. With the discussion groups comments will not be recorded and the format will not convey concerns of the community. Everyone should have the right to speak into a microphone. I protest the format but will participate.

My name is Jim Arthur. I disagree with the format and will participate under protest.

Summary of the Questions and Comments	*Response No.*
Based on the written comments do we expect to make changes to the document?	Y-35
Why does BLM need to identify 631,000 acres for acquisition? Now BLM will get a foot in the door and in the future you may identify more land for acquisition.	A-6, A-11
What was the observation point for the Scenic Area ACEC?	J-27
Do we have the authority to restrict activities on private land within the Scenic Area ACEC? Include this statement in the document "BLM cannot restrict activities on private land".	J-12
Did BLM involve the state in this process of land acquisition? Has BLM spoken with the state land board (collectively)? Has BLM spoken with anyone with the state land board?	A-21
What does BLM plan to do with small tracts within other ownerships?	A-4
To what extent will BLM force rights-of-way to isolated tracts for access?	B-3

On one hand BLM will acquire access and then restrict off-road vehicles. This is a contradiction.	B-4
The RMP is a shift in the concept of multiple-use from livestock to recreation. If BLM identifies 660,000 acres for acquisition, outside interests would or might identify 1,200,000 acres. Why not protect ourselves, Montanans? We could get by with less. People back east have more votes.	
Why doesn't BLM have a cow on the cover?	Q-7
Where does BLM address the criteria for oil and gas stipulations? Why not put the criteria and stipulations in the document?	D-1
Why is livestock grazing not an issue?	Q-7
Which person or group of people will make the final decision?	Y-15
The disposal of land is not consistent with the Taylor Grazing Act and the Bankhead Jones Act.	A-2
Who is formulating this plan? Who is doing the work?	Y-14
Why is water development not addressed in the plan?	Z-3
Who is going to address the costs (fencing, etc.) for elk expansion? Who is going to address crop damage?	G-1, G-2, G-8
How will BLM address increased forage in areas with elk? Elk will use private land before public. Will BLM address compensation for crop damage? Why doesn't BLM address the problem of crop damage in Fergus County?	G-1, G-2, G-8
Who is responsible for the records of the Upper Missouri National Wild and Scenic River boundary? What is the effective date of the boundary?	Z-4
What and when will the public have the opportunity to comment on land acquisitions after the RMP is completed?	A-8
Are the questions and concerns being recorded tonight? Is this person taking notes an official recorder? Does this person take shorthand? The comments are not being recorded.	Y-28
Why don't you have a public hearing?	Y-29
According to Public Law 94-529 the secretary shall allow an opportunity for public involvement including public hearings where appropriate. Did BLM make the decision that a public hearing was not appropriate?	Y-29
Is the Endangered Species Act the authority for dealing with the black-footed ferret? Does BLM currently have the authority for land exchanges? Does BLM currently have the authority for timber, AUMs and mining? How does the document deal with visual impacts in general?. If you already have the authority why do you need the document to restrict timber, mining and AUMs?	Y-2
Will BLM put a ceiling on the 631,000 acres for acquisition? Put an acre ceiling in the document?	A-6, A-11
The RMP identifies 465,000 acres more for acquisition than disposal. Can congress at any time fund the purchase of this land? The 465,000 acres opens the door to cattle free by '93. Why doesn't BLM anticipate this? They will use this as an opening.	A-6, A-11
BLM will have to move cattle off the land identified for elk and bighorn sheep. Elk will use the best forage available and elk are in the plains. How many elk will this include?	G-3, G-4

Crop management will not draw elk away from private land. The 68,000 acres identified for crop management will only create more habitat.	
Where is the federal register notice for the ACECs and the Wild and Scenic Rivers?	Y-11
In an allotment that contains 10,000 acres with 1,000 BLM acres, does federal law supersede state law? Would you control the allotment?	F-5
Can you control prairie dogs on private land?	H-8
Would the private landowner have to fence an allotment if BLM does not agree with management?	F-6
BLM already has the ability to manage? Why a document that goes way beyond?	Y-2
BLM will go with the document as is with no changes. Need to ask for a public hearing.	Y-35, Y-29
How closely did you work with an advisory committee on land acquisition?	A-16,A-3,A-7
Land acquisition is a comparison to the PN Ranch acquisition process in 1988.	
Why identify 631,000 acres for acquisition if you can't acquire it all?	A-6, A-11
If you can't effect disposal of BLM land, would management fall under this RMP?	A-4
Why does BLM need to prepare this plan? Areas in the RMP go beyond land management.	Y-1
Are there areas in this document that will not change?	Y-8
Is this document going to be the final recommendation with no changes based on public comment?	Y-35
How much consideration was given to those in the area who have not come and told you what they wanted?	Y-35
If an outside group would purchase the land identified for acquisition, would BLM enter into a conservation easement?	A-53
If BLM doesn't get enough people willing to exchange, will BLM use condemnation?	A-9
There are 1.5 million acres with standard oil and gas lease terms and 1.7 million acres with stipulations. Are the oil and gas stipulations more restrictive? Present management shows 800,000 acres with stipulations.	D-2
Alternative A has 874 acres with special stipulations and the preferred alternative has 1.7 million acres with stipulations. This is a 2,000% increase. The document should contain the criteria and stipulations for oil and gas.	D-2
Would the adjacent landowner have the first option for acquisition of BLM land? What if there is no legal access to BLM land. Who would buy this land?	A-8
If over grazing from elk is occurring, isn't it BLM's responsibility to improve the habitat?	G-3
BLM can manage the AUMs but will pass the buck on elk to the Department of Fish Wildlife and Parks. If BLM can fence livestock, why not fence elk? Put down on paper in the RMP how elk will be managed.	G-1, G-3, G-4
BLM should have some language in the RMP on a crop damage control program.	G-8

The RMP should have the numbers of elk.	G-1,G-2,G-4,G-9
Would BLM put a ceiling on the 670,000 acres to acquire?	A-6, A-11
With 68,000 acres of lure crops, this will not pull animals away but instead lead to an increase in elk.	
Why is BLM planning to expand the elk?	G-1, G-3, G-4
What can the private landowner do to reduce elk?	G-2, G-8
Does BLM advise the Department of Fish, Wildlife and Parks on harvest quotas?	G-13
Elk are spreading to valuable crop areas. The Department of Fish, Wildlife and Parks is not responsive to our problems. No increase in harvest has been done.	
The lure crop proposal would increase elk without reducing problems on private land.	
BLM could reduce elk numbers if you choose to.	
I suggest the section on Wild and Scenic Rivers on page 31 be added to, or at least referred to on page 367, the Judith River Report.	W-6
If the Fish & Game and BLM can work together on control of prairie dog towns, the issue of elk damage on private lands should be addressed and some sort of joint solution be worked out.	

Public Meeting Billings Montana July 30, 1991

Is the Azure Cave withdrawal due for review and reconsideration?	E-1
How much on-the-ground work did BLM do to assess the mineral potential?	E-2
Are the trout the only reason for the Collar Gulch withdrawal?	M-1
Cows cause more damage than off-road travel by hunters but the BLM doesn't do anything about the cows.	
Some form of game retrieval should be included in the RMP? Suggest a hourly limitation such as noon to three for use of game retrieval.	C-5
Will the BLM use block management for acquiring access?	B-5
The off-road vehicle travel plans do not seem consistent between the areas north and south of the Missouri River. Why are there roads closed south of the river and no roads closed north of the river?	C-8
It is inconsistent to acquire access into areas that are restricted for off-road travel.	B-4
What is BLM doing to improve depleted ranges?	Q-9
Aren't most of BLM lands in poor condition?	Q-1
What can sportsmen do to help BLM improve range condition?	S-1
Does BLM make allocations for wildlife habitat?	Q-3

We want to see that wildlife gets a fair shake. What is the status of wildlife populations?	S-2
Who came up with this viewshed concept?	I-5
The documents states that there are no historical or cultural values. Old Scraggy has been identified as having significant sacred properties.	I-19
Not in favor of 803,116 acres closed seasonal. This is not catering to the needs of the majority users during hunting season. The BLM should offer maximum use of the public lands especially during peak user times.	C-5
Open Horse-Shoe Bend crossing road and Alkali Creek road, especially the lower end.	C-9
The north-south road, east of Carpenter Coulee and down to Alkali Creek needs to be open. This is a 9 plus mile road.	C-9
In favor of the reasonable distance from roads for campsites.	
With regard to "Off-Road Vehicles," add White Rock Coulee, as shown in Alternative to Alternative E.	C-10
The provision in Alternative D with regard to No Surface Occupancy restriction on oil and gas activities 1/4 mile around WSAs and FWS refuges should be included in Alternative E.	

Public Meeting Winnett Montana July 31, 1991

How did BLM identify the stream segments in the RMP?	F-7
Why is there no cow on the cover?	Q-7
Why does BLM need to acquire additional land? How will BLM acquire this land?	A-1
The riparian potential is very limited on certain creeks. Blood Creek and Crooked Creek especially.	
How will riparian objectives be developed?	F-8
Will BLM want to change to winter use of riparian areas? Aren't there other options?	F-9
Noxious weeds will limit riparian potential in many areas. What is BLM doing to control noxious weeds?	R-1
Where is the federal register notice for ACECs? There is a 60-day comment period on the ACECs which ends August 19.	Y-11
How does BLM define riparian areas?	F-1
Why does BLM encourage more elk when private landowners are already having problems?	G-1, G-3, G-4
BLM should coordinate with the Department of Fish, Wildlife and Parks on elk management.	
What is the importance of the riparian areas?	F-10
Some of the streams rarely have water. Why are they identified as riparian areas?	F-1

How do we change or eliminate the riparian areas shown on our allotments?	F-11
Is land acquisition part of the "Big Open" idea to drive people off the land?	A-6, A-11
How do you go about changing the plan in the future?	A-12
How long is this plan expected to last?	Y-3
What exactly are the lure crops BLM plans on using?	G-10
When will BLM recognize that private landowners have fed wildlife for years?	S-3
Would there be a loss in AUMs as BLM acquires land?	A-10
Who would get the grazing rights on acquired land?	A-10
Who is eligible to buy public land being sold?	A-8
Does BLM have enough people interested in exchange to even make this a realistic issue?	A-1
Why is there substantially more land identified for acquisition than there is for disposal?	A-6, A-11
Block Management is not good. If necessary limit motor travel to roads.	

Public Meeting Lewistown Montana August 1, 1991

What is the exact purpose of land acquisition? Why does the government want more land?	A-1
Is BLM willing to pay recreation prices for recreation land?	A-15
How many people are willing to trade land?	A-1
Does the RMP say BLM will dispose of as many acres as acquired? On page 71, the RMP says BLM "will attempt to maintain the county tax base". The word attempt is not strong enough. The public would like stronger wording and a cap on the acreage involved.	A-6, A-11
Who ordered the need for the plan and what was the cost?	Y-1
What does BLM mean when we talk about public use? Is this out-of-state hunters?	Y-26
BLM has identified 2,000 acres of my property for acquisition but only 40 acres in the immediate area are identified for disposal. The doesn't seem fair. How will the process work?	A-6, A-11
Is land acquisition on a willing seller basis? Does the document state BLM will not use eminent domain? Why doesn't the document say that in black and white? Why doesn't BLM put it in the document that we won't use eminent domain?	A-9
Which areas do we have an access problem?	B-1
Why are we trying to purchase access where the private landowner allows access? The BLM will have to own all the land next to the county roads. Easements should be the first choice.	B-1
Wouldn't rights-of-way and cooperative agreements for access be cheaper than buying the land? This should be BLM's first choice.	B-3

Who will control weeds, hunters and fence maintenance on private land if we purchase rights-of-way?	R-2
County does not get all the weeds. Spraying does not always work. We don't want fences through our pastures. Fencing does not always control weeds and this restricts livestock management. Access is available if people ask.	
Why should the county have the burden for weed control on BLM rights-of-way?	R-2
Has BLM established a budget to fund this plan? Is BLM going to add this work to an existing workload with the same budget? It appears BLM is going to stretch resources beyond what is available and neglect other workloads. Has this been addressed in the plan?	Y-16
Who is liable for going across private land on a government right-of-way?	B-6
Has there been any consideration of selling outright those parcels BLM does not have access to? Not just those identified for disposal.	A-2
Who identifies those lands to be disposed of?	A-3
Can someone else buy the BLM parcel inside my ranch if I don't want it? How much time does the lessee have to decide if he wants the BLM parcel?	A-8
How does BLM establish a credible price for those BLM lands for sale?	A-15
Some of the lands may be appraised for recreation instead of agriculture? How would you straighten that out?	A-15
Are comparable sales used in the appraisal?	A-15
Do I sell at 90% and buy at 110%? Who pays real estate fees?	A-17
How do we find out which properties are actually involved in acquisition?	A-7, A-18
Does the willing seller retain the mineral rights?	A-19
What is the section and law that gives BLM the right not to answer Joe Trows questions at a public meeting?	Z-5
What is the boundary for the Upper Missouri National Wild and Scenic River? What is the date of the boundary?	Z-4
How many years can BLM plan and create ACECs?	I-1
How rigid is this document in future management of this area?	A-12
Who identified the South Moccasin ACEC parcel, the piece BLM already owns, the BLM or community leaders?	J-1
When was the public scoping process so we would know where to comment?	Y-24
If an ACEC goes into effect, the adjacent land will change in value? Will the BLM pay the difference in value?	I-13
By changing what BLM does on public land the value of private land may change. Will the BLM be responsible for the change in land values on private land with an ACEC designation?	I-13

Is BLM only interested in elk habitat or reintroduction of elk in the South Moccasins? If BLM only has 1,300 acres in the South Moccasins how can BLM reintroduce elk?	G-4
Because of the limited nature of habitat in the South Moccasins, there is not enough land for viable elk habitat.	G-4
Wouldn't water be critical in elk habitat?	G-11
Where are the 193 miles of streams that are discussed under riparian habitat?	F-12
Without ACEC designations, can you still withdraw lands from oil and gas and mineral entry?	I-7
Are withdrawals going to be pursued in the ACECs identified?	I-8
What is our preferred alternative?	Y-12
Can we propose another alternative?	Y-13
What 595 miles of streams are identified for improved wildlife habitat; where do we find out where they are?	F-12
If permittees AUMs are reduced through land acquisition, does he get reimbursed?	A-20
Does BLM use a reduction of AUMs through land acquisition as another step toward "Buffalo Commons"?	A-10
Wouldn't AUMs decrease because as BLM acquires land you will decrease AUMs? Will willing sellers have a contract with BLM to get the grazing permit? Will the landowner know BLM's future plans for the AUMs?	A-10
Changing the use of the land from cows to elk habitat will change the county tax base.	
Does BLM have 160,000 acres for disposal? Is there 670,000 acres BLM wants to acquire? Is there any legal way the county can protect itself from losing those 400,000 acres? Is it possible the county could lose the tax base on those acres?	A-6, A-11
There needs to a cap on number of acres BLM wants because BLM may change their mind in 6 to 7 years and want more land.	A-6, A-11
Could a BLM parcel in the middle of a ranch go to the highest bidder? Who is responsible for fencing and maintenance?	A-8, A-10
How would someone get to land surrounded by private land?	B-1
Does BLM have an appraisal on land they want to sell or acquire?	A-15
The appraiser probably gets 10% on each appraisal.	
Who nominated the ACECs and how many were nominated by local ranchers and local sportsmen groups?	I-1
Request list of which landowners received a letter about exchanges.	
How many state acres are identified for acquisition? Have state agencies been notified about this proposal and what was their reaction?	A-21

When exchanging, the BLM and private person would retain their minerals? Doesn't that give BLM jurisdiction over both mineral rights?	A-22
If a rancher trades land could they lose AUMs on acquired land?	A-10
If lessee loses his lease, by sale, to another person, is he compensated for the improvements?	A-23
Is BLM aware that the Department of Fish, Wildlife and Parks has developed a district by district management plan for elk?	G-4
If elk numbers increase and cause resource damage, can BLM reduce AUMs for livestock? Does BLM compensate the landowner for crop damage? There has been no coordination with the Department of Fish, Wildlife and Parks on elk habitat.	G-12
How does this plan treat black-footed ferret reintroduction? How is the ferret going to be reintroduced under the Endangered Species Act? Does the document say the reintroduction will be an experimental, non-essential population? Shouldn't the document identify this? Explain the difference between an Endangered Species Act designation and experimental, non-essential designation. If reintroduced as an endangered species, can BLM condemn private land for ferret habitat? Why identify the habitat before you have the ferret?	H-1, H-9
Has BLM coordinated with the Department of Fish, Wildlife and Parks on ferret habitat?	H-1, H-10
We can't make intelligent comments on the draft RMP not knowing what the reintroduction plan says.	
Are there summations of the public meetings for people to read?	Y-28
Do you have a summary of the public scoping process?	Y-33
Were public meetings related to the ACECs documented as to the comments and who attended?	Y-25
If BLM blocks up land for elk habitat, will you fence the area to control elk movement? Is BLM going to fence elk in? The elk have ruined hay and grain crops.	G-1, G-2
Who decided we need more elk?	G-1, G-3, G-4
Is it true the only tool BLM has on overgrazing of public land is a reduction in livestock AUMs?	Q-8
How many people were involved in this plan?	Y-14
How many people involved in this plan are native Montanans?	
What parameters were used to come to the preferred alternative decision for the Scenic Area?	J-5
Economics weren't weighed very heavily because the preferred alternative withdraws the scenic area from hardrock mining.	J-20
The 1991 gross proceeds tax is in the millions. This is not in the document. Economic analysis doesn't appear to be accurate, especially the information on mining?	X-2
Explain the concept of the Lewistown viewshed and what central point it was derived from?	J-3
Will the AUMs for this plan be billed from one central area?	Q-11
For the land BLM wants to acquire, what happens if BLM has no willing sellers?	A-9

If no land is traded, won't the overall decisions in the RMP still go forward?	A-24
Is there a legal way for the public to amend this plan?	A-12
Are there parts of this plan that will never be changed, no matter what the public wants?	Y-8
What are the purposes of the scenic areas?	J-3
If you can't control the surface how can you protect the scenic area? Management changes effect land values.	J-1, I-13
The trout in Collar Gulch are not native but were transplanted there by state Fish and Game in the 1940s.	
I am all for saving the fish in Collar Gulch but I don't understand why it cannot be accomplished without using a withdrawal.	M-1
What happens to existing mining claims if the area is withdrawn?	E-3
Where is the analysis that shows the fish are deemed more important than mineral development?	M-1
We disagree with BLM's mineral potential assessment. Can we submit mineral data that would change the development potential assessment? If so, to who and by when?	E-4
Will new data cause BLM to change it's Preferred Alternative?	Y-34
What if BLM is not able to consider new mineral data submitted in time for the scheduled final RMP?	E-5
How concrete is this RMP once it is final?	A-12
From what point in Lewistown was the scenic area established?	J-27
Who decided to nominate the scenic areas as ACECs?	J-1
What are the areas with high development potential that are proposed for withdrawals?	E-1
Are the trout considered a threatened or endangered species under the Endangered Species Act?	M-8
We have been all up and down Collar Gulch and have not seen any trout. How many trout are there, and what is so special about them that they deserve this level of protection?	M-9
Where did the Scenic Area ACEC nomination come from?	J-1
There are only 1,600 acres of BLM land surrounded by private in the South Moccasin Mountains. How can BLM build an elk herd on that small an acreage?	G-4
Elk expansion in the Winifred area, especially Judith River country, is causing heavy damage to bumper crops of wheat. Fish, Wildlife and Parks is not responsive to the problem. BLM's proposal will aggravate the situation. BLM will cause elk to expand and create even greater problems.	
What is BLM doing about weeds? How much money is being spent? How long until biological control will be effective?	R-3
Riparian cover can become too thick for wildlife to use or for hunters to hunt.	
How will the riparian objectives be made?	F-8

The social section shows economic development the number one concern for Lewistown area residents. In light of this, why did BLM select a preferred alternative that restricts mine development and economic benefits?	E-13
The alternatives for elk habitat management should include information or recommendations of the Montana Department of Fish, Wildlife and Parks Elk Management Plan for the Missouri River and the Judith and Snowy Mountains. The draft of this document call for stable populations in the Judith and Snowy Mountains, therefore why should the BLM call for increased populations?	G-4
There should be a 6th alternative to sell the 1,300 acres in the South Moccasin Mountains to willing buyers.	A-25
The ACEC designation in the South Moccasins does not seem to meet the designated criteria. This is 1610.7-2 through 1610.4-9. Please verify.	J-4
Set up a committee (joint) with BLM, Montana Department of Fish, Wildlife and Parks, US Fish and Wildlife Service, landowners and sportsman groups to air the matter of elk reintroduction efforts.	

4

WICKS RANCH CORPORATION
RT. 2, BOX 2310
LEWISTOWN, MONTANA 59457

July 16, 1991

Bureau of Land Management
Judith Resource Area
Airport Road
Lewistown, Mt. 59457

Dear Mr. Gitz:

This is in reference to your letter concerning the Judith Valley Phillips Resource Management Plan (reference number 1610.00 JVP). The Wicks Ranch Corporation likes the idea of land consolidation through acquisition and disposal for the BLM. Upon reading the draft RMP/EIS the distinct impression is, however, that the BLM is more interested in acquiring than disposing.

A-2 We believe that there should be a 6th alternative to your proposals for the South Moccasin Mountains, which is the only area that
A-11 we are involved with. Alternative F would direct the BLM to sell their holdings in the South Moccasin Mountains to willing buyers,
A-25 thereby putting that land back on the tax rolls as well as cutting management costs to the BLM. If not an alternative F, then alternative B is the least objectionable in every case.

We do not rent land from the BLM nor do we border any BLM land so we do not have any interest in acquiring any BLM land. We do have a great deal of concern about unlimited hunting, off road vehicles, and other activities that the BLM might propose or condone. We live about 200 yards from the trees and maintain a mile and three quarters of private road to our houses. We do not deny hunters access to our land. We do, however, limit the number of hunters simply because the area isn't large enough for an unlimited number of high power rifles. Further more we don't want armed strangers, whom we have no idea how they will react when they do see game, that close to our house. Introduction of
G-4 Elk into the area would be disastrous for the ranchers in the foothills. The South Moccasin area is too small for Elk.

Our family has live in this community for 110 years and I have lived here for 67 years. Personally I believe there is less land degradation now than at any time in the last 80 years simply because we are sure sure that the land is the source of our wealth and must be preserved. There is more wild life now, by far, than when I was a kid. I was 12 years old before I saw a deer and now they are a daily occurrence. Don't fix it if it aint broke.

Sincerely,

Joe C. Wicks

5A

B. Gene Miller
July 17, 1991
Page Two

dams can be more costly than new construction. Sediment storage in existing reservoirs may have been utilized by existing sediments thus shortening the life of the project and adding risk to the spillways.

Q-4 Sediment in wetlands and reservoirs does not seem to be directly addressed in the EIS. It is a major factor limiting the life of the wetland resources in this area. Most of the sediment is due to somewhat natural causes, however remedies for bare and eroding soil from natural or man-made causes should be considered. Insuring that construction sites are quickly covered with vegetation, that proper cover is left on the land at the end of the grazing season, reducing livestock concentration points, placing deed restrictions on land that leaves BLM ownership, and encouraging adequate cover on cropland adjacent to BLM rangeland are examples of measures to consider.

Construction of islands in new and existing wetlands is mentioned in wetland Alternatives B and C. I believe that creation of new water impoundments is a far better use of available dollars for waterfowl enhancement than is the construction of islands in these areas of extensive grassland habitat.

Thank you for allowing me to comment on the EIS.

Sincerely,

Paul R. Bultema

Paul R. Bultema

5

DUCKS UNLIMITED INC.

DUCKS UNLIMITED, INC.
GREAT PLAINS REGIONAL OFFICE
4115 East Main Avenue
Bismarck, North Dakota 58501
(701) 258-5395

July 17, 1991

B. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P. O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

This letter is to comment on the Judith Valley Phillips Resource Management Plan-EIS. My comments will address only the wetland portion of the EIS.

I am in basic agreement with the wetland implementation portion of the preferred alternative (Alternative E) found on page 85. However I would like to continue with a few thoughts that could improve this alternative.

F-13 Clarification of one point in this section may help. The statement "BLM would implement livestock grazing formulas..." is unclear. The word formula is not a common term used in grazing management and could mean several things. Hopefully it means some type of rotation grazing system. Research is available to show that rotation grazing systems are available that will improve livestock carrying capacity and duck production while maintaining the rangeland resource. Further, I would encourage that grazing use other than season long be planned and used as a general practice to not only improve duck habitat but other natural resources on BLM lands.

I would encourage BLM to aggressively, and with a high priority, pursue modification of current restrictions on water in the Milk River drainage. Flexibility in making water available for waterfowl as well as other uses is necessary.

Fencing to protect shoreline vegetation is mentioned in the Alternative F for wetlands. Fencing should also include protection for the embankment end for the emergency spillway of these water impoundments. Livestock use can be a source of embankment failure, and water piped to a tank below the embankment may be considered in future designs.

Construction of perennial water bodies is also mentioned in Alternative E. When identifying these areas preference should be given to the construction of new dams rather than reconstructing existing dams. Our experience is that reconstructing existing

6

My Retired Theater
26 Harrison Ave
Helena MT
59601

July 22, 1991

Richard P. Thurlott
26 Harrison Avenue
Helena, MT 59601

B. Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

I have discussed wetlands with Sierra Club concerning BLM's management of areas said to have natural values of considerable importance in NE Montana. I am writing to express my opinion and support for preservation of areas of potential natural value.

To much of our prairie land has been transformed or heavily impacted by man that I think we have an urgent concern to preserving areas that remain relatively undisturbed with original vegetation communities such as the Highline Pasture and Bitter Creek. Why did BLM fail to consider an alternative for preserving this area?

I-14 I am also concerned by lack of information by farming purposes for the Little Rockies by the Fortson and Lewellen areas. I don't think this is worth farming on a whole mountain range into a "tailings" heap. I urge the BLM to withdraw 25,000 acres in the Little Rocky Mountains from mineral entry
I-15 until it can be completed an area of critical environmental concern.

6A

I also urge BLM to designate the Hyalite Reservoir area ACEC and that oil and gas development and off road vehicle recreation and military maneuvers be prohibited.

I-14

I also urge the BLM to eliminate designated utility corridors through the Bitterroot Wilderness Study area.

T-7

Protect rare plant communities on Sawbill Butte, Sutton Coulee and Woody Island Coulee by designating them as ACEC's.

I-17

I also think park values on the periphery of Eastern Montana as well as in the foothills of Western Montana. Please give such natural and aesthetic values appropriate consideration alongside economic values as required by NEPA.

Sincerely,

Richard R Thurlett

8

INTERNATIONAL VARMINT ASSOCIATION

A FOUNDATION FOR THE CONSERVATION OF THE HUNTER AND THE HUNTED

DEAR MR. MILLER,

I WOULD LIKE THE ADDRESS OF MR. JOHN FAHLGREN, ACTING AREA MANAGER OF VALLEY RESOURCE AREA.

I ALSO MUST COMMENT ABOUT THE FINE JOB DONE ON THE JUDITH, VALLEY & PHILLIPS RESOURCE MANAGEMENT PLAN & ENVIRONMENTAL IMPACT STATEMENT. (TOOK ME 2 YRS TO READ)

IT LOOKS GOOD TO ME AND WELL THOUGHT THRU. I DID LIKE THE GROUP(S) OF PEOPLE WHO WERE CONSULTED & THE COORDINATION OF SAME.

OF COURSE I DON'T AGREE 100% (ALMOST) WITH EVERYTHING, BUT THEN I'M NOT THERE (LOOK AT HOW CALIF. HAS SCREWED UP ITS WILD LIFE MGMT.) HOWEVER MY SIDE WAS WELL REPRESENTED AND FAIRLY. I'M FROM NORTH DAKOTA & SOUTH DAKOTA AND THANKS TO PRAIRIE DOGS, I LEARNED HOW TO SHOOT (ALSO GOT A REAL TAIL IN EARLY 40'S).

GOOD JOB YOU FOLKS ARE DOING IN MONTANA!

BEST REGARDS,
WILLIAM RAY

7

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Lenny Costin	583 Box 21 Saco MT	July 24 81

I have a dream – How can your trade land – dries the homesteaders land picked this land – yours is what was left over Dusty ground, how else can they be rewarded when

A-6

A-11

We trade 6,000 ac for 160 ac acres & thanks the Fisher Farm helped you with this. We feel a lot of these comments now but you must agree (Cont USE) our farmers can be lost thru farm year. & let anyone who wants to hunt on my place or even to up on your water they don't bother & mess up if it comes down to, our land and your land, how things & think of that time private land owners will have to unite to stop the unnecessary + protect our private rights.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

9

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
[illegible]	[illegible]	[illegible]

[illegible]

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

10

Havre, MT
7-24-91

Charles Greany

COMMENTS ON THE RMP DOCUMENT

U-5 1. Document contains nothing that would give the adverse effects on the Native Americans (NA). There is no discussion about what mining does to the efforts of the traditional NA to practice their culture, religion, etc. Doc. is inadequate in this point and should be withdrawn and supplemented. We have provided a great deal of material in the IDEA appeals that should have been considered.

2. People should complain that the BLM did not consider complete withdrawal of the Little Rockys from mining. Alt. D does withdraw more than others, but it was not selected. The selected Alternative E would allow for development of 97% of high potential areas and 85% of the moderate areas. See the map on page 425 to see what this would mean for the Little Rockys. It can be seen from the map, this Alternative would mean gutting of the mountains.

I-15 The EIS should be redone to include consideration of total mineral withdrawal of the Little Rockys. This is what the people of the area want. Note the BLM is trustee for NA in such matters. It is time that they acted as trustees and not the handmaiden of mining companies.

I-17 3. The RMP does not mention the globally unique plant communities that were reported to the BLM some time ago by the Montana Natural Heritage Program in their proposed ACEC for Saddle Butte. It does not mention that the people obtain their medicines up in the mountains and what will be the effect of the mining on this activity. Same for questing, fasting, and other NA activities.

Conclusion: The RMP-EIS is very inadequate as regards the matters set forth above. NA people concerned about the Mountains should attend the meeting and make their feelings known. They should also write letters which are due Oct. 1st. Petitions would be OK but the more facts the better. NA are starting to get offers of help from groups such as the Sierra Club, however, the NA people need to take a strong position if they desire the people outside to help.

Meeting July 25 Hays Rec Center

Attachments are available for review in the Lewistown District Office.

12

July 22, 1991
Red Lodge, MT

Sir:

I-14 I want you to designate as an ACEC the Highline Prairie, to prohibit oil & gas develop, to prohibit off road vehicle recreation, and to definitely prohibit military maneuvers.

W-3 Please find the Judith & Milk Rivers suitable for Wild & Scenic River designation. Please find as Wild & Scenic Arrow Creek, Frenchman Creek, & the Musselshell River.

T-7 I urge you to eliminate all designated vehicle routes in the Bitter Creek Wilderness Study Area.

I-15 You should withdraw from mineral entry the 23,000 acres of Little Rocky Mountains! Designate this area an ACEC.

Your attention to these matters is most urgent.

Sincerely

/s/ Nancy Stanley
Red Lodge MONTANA

(Typed exactly as received for reproduction in the final RMP/EIS.)

11

July 20 '991 #11
Billings MTT

Dear Mr Miller:

I-14 I urge you to designate the Highline Prairie an Area of Critical Environmental Concern + to prohibit off road vehicle recreation, military maneuvers, oil + gas development.

W-3 I urge you to find the Milk and Judith Rivers suitable for Wild and Scenic River designation.

I-15 I urge you to withdraw 23,000 acres of the Little Rocky Mountains from mineral entry and to designate this area an ACEC.

T-7 I urge you to eliminate all designated motor vehicle routes through the Bitter Creek Wilderness Study Area.

I-17 I urge you to designate Saddle Butte, Jones Coulee + Windy Island Coulee as ACEC's.

Sincerely

A Montanan who loves Montana,

Nancy P Stanley

13

Mr. Gene Wilson - District Manager
Bureau of Land Management
Lewistown District Office
P.O Box 1160
Lewistown, MT. 59457 - 1160

In this era it is vital that agencies having the role of public trust stewards live that trust by doing what they can possible to insure future generations in the sale of public lands. Toward this end I urge that you as managers to take what ever steps are necessary in the land use planning process to accomplish the following:

I-14 - Designate the Highline Prairie an Area of Critical Environmental Concern (ACEC), and that OF&G development, off road vehicle and other similar land disturbing pressures continuous activities be prohibited.

W-3 - Find the Milk and Judith Rivers suitable for Wild and Scenic River designation, and that the Musselshell River also be studied for such inclusion.

I-15 - withdraw the Little Rocky Mountains from mineral entry.

T-7 - designate all designated motor vehicle routes through the Bitter Creek Wilderness Study Area.

Thank you for your attention in these requests. Also I request that as progress and planning decisions are made that I be informed of such information made available.

Sincerely

Jo Williams Bailey

15

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
F. Lee Robinson	Box 4 Yalta, Mt.	7/25/91

I prefer Plan A besides it will have less adverse affect on the citizens, the economy, and the tax base of Phillips County. Phillips County is similar to all of the Northeastern part of Montana in that it has been losing people and tax base for the last many years. Under all the plans Phillips County would lose some tax base, but it would lose the least amount under Plan A. It would also have a loss of jobs and people due to the fact that fewer cattle would be allowed in the area. Under plan A the BLM plans to exchange 160,000 acres of it probably to look of

A-6 private taxable land in the area. However, under Plan A, the BLM would plan to
A-11 dispose of 166,000 acres and acquire 431,370 acres for a net loss of private taxable land of 465,000 acres. These acres would probably be exchanged for land outside the county and therefore creating this loss.

Although the reintroduction of the black footed ferret in the United States is mandated by law, it serves no purpose. Since the beginning of time some species have disappeared from the earth and others have evolved to create new species. This is natural normal process and it does work that way we should try to change it unless there is an extreme need for the species. In my own mind I do not see this extreme need to protect the ferret. The United States has many other pressing needs more important and with the large deficit budget I feel that the whole program should be scraped.

Although the prairie dog is present in large numbers, I do not feel that it should be protected. If it is allowed to continue or expand it will take all the vegetation and we will have only highly eroded land left.

F. Lee Robinson

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

16

Laura Boyce — Box 66, Winifred, MT 59489 — 7-29-91

W-6 I suggest the section on "Wild & Scenic Rivers on pg. 31 be added to, or at least referred to on pg. 367 - the "Judith River Report. It would clear up the confusion, which apparently was modified.

If the Fish & Game & BLM can work together on control of prairie dog towns (i.e. poisoning to control it), the issue of elk damage on private lands should be addressed & some sort of joint solution be worked out. Habitat and elk numbers obviously go hand in hand and the issue needs to be dealt with now before it becomes a real problem.

(Typed exactly as received for reproduction in the final RMP/EIS.)

17

C. Gene Miller
BLM

Dear Gene:
I would like to take the opportunity to comment on the following provisions changes for your Northeast Montana management plans:

I-14 - Designate the Upstream Prairie an ACEC and prohibit oil and gas development, off road vehicle recreation and military maneuvers.

W-3 - Find the Milk and Judith Rivers suitable for Wild and Scenic River designation. Find the same for the Musselshell river, Arrow creek and Fourchette creek.

I-15 - Withdraw 25,000 acres in the Little Rocky Mountains from mineral entry and designate it as ACEC.

T-7 - Eliminate all designated vehicle routes through the Bitter creek wilderness study.

I-17 - Designate Saddle Butte, Joliet Coulee and nearby Island Coulee as ACEC because of their ecological

17A

Thank you for your consideration of these issues.

Sincerely,
Thomas Shea

18

July 28, 1991
Hilger, MT. 59451

Mr. B Gene Miller, District Mgr
BLM
Lewistown District Office
Box 1160
Lewistown, Montana 59457-1160

Dear Mr. Miller:

After reviewing the Judith Valley Phillips Resource Management Plan, EIS several concerns and clarifications. I urge all your staff to be commended for the work they've done on this much needed Study. But I feel agriculture has definitely been overlooked. Recreation and mining seem to come first. Recreation and agriculture can work together very well. But I agree they will not work with mining. Also mining should be treated equally on the Judith & North & South Moccasin Mountain areas. They've done a big injustice to BLM land in the North Moccasin Mts.

19

RICHARD D. ANDERSON, M.D.
Internal Medicine & Diabetes
1103 North 26th Street, Suite 106 Billings, MT 59101 (406) 245-1146

July 29, 1991

B. Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
P. O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

I-14 I am writing to express my opinion regarding the recent management plan for northeastern Montana issued by the Bureau of Land Management. I would urge the BLM to designated the Highline prairie and area of critical and environmental concern (ACEC) and that oil and gas development, off road vehicle recreational and military maneuvers be prohibited.

W-3 I also would recommend that the Milk and Judith Rivers be found suitable for wild and scenic river designation because of their outstanding natural and cultural values. I would also ask that the Musselshell River, Arrow Creek and Frenchman Creek be designated wild and scenic.

I-15 I also feel that the 25,000 acres in the Little Rocky Mountains be withdrawn from mineral entry and designated as area of ACEC to protect this unique and scenic mountain range.

T-7 In addition, I would urge the BLM to eliminate all designated motor vehicle routes along the Ritter Creek Wilderness area and the Saddle Butte Joiner Cooley and Woody Island Cooley should be designated as areas of critical environmental concern because of their rare plant communities.

I would urge you to consider these proposals to protect a unique area in Montana.

Sincerely,

R. D. Anderson, M.D.

RDA/eaw

18A

it. Some but we can't make wilder temperature. For example. No access most of the time or very limited access some of the time to BLM land from the Kimball side. This is not in the BLM's Travel plan but I am sure we're improving the plan. We would like to see it + talking with this side. If that happens then the Hunters come but they're welcome to that. The area is closed, all private property posted + no access to public land. I don't have a solution but there must be something that can be worked out.

V-2 Also I would like to ask you a question - when BLM ground is logged - does the BLM get the money, log or who does?

I'm hoping to attend Thursday's meeting, but felt I should write these comments in advance. But would like an answer on agenda to the logging when you have the opportunity.

Sincerely,
Marion Hassler

20

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
[illegible]	[illegible]	7/29/91

I came to the Meeting to find out who the "Public" was. I found Ranchers, Hunters, Also Members of the Sierra Club. Also were Representatives of Oil + Gas Also Hard Rock Miners. Also Yet, if One Looks At the JVP Plan. Oil + Gas + Mineral Have Been Well Taken Care of.

Y-24 Where Did They Have Their Input? To Get What They Want Out of the Process. They Have To Have Been Apart of the Process. However, it Appears As Though Their Input Occurred Before the Public was Invited To Participate.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

21

STATEMENT SUBMITTED BY MONTANA AUDUBON COUNCIL WITH REGARD TO THE JUDITH-VALLEY-PHILLIPS RESOURCE MANAGEMENT PLAN AND DRAFT ENVIRONMENTAL IMPACT STATEMENT, at Billings, Montana, July 30, 1991.

Please accept this statement as comment upon the JVP/draft EIS, made by the Montana Audubon Council, at the public meeting, at Billings, Montana, July 30, 1991. The Montana Audubon Council is the coordinating entity for the nine National Audubon Chapters in Montana; our membership in the state is nearly 4,000 individuals. Other Audubon organizations and individuals members may very well submit comment.

These comments come from our initial overview of the draft plan and we expect to forward more detailed written comments prior to the October 2, 1991, deadline.

Our support is for "Alternative E" for the nine issues developed for the plan, but with modifications for several as explained herein. With regard to "Land Acquisition and Disposal," "Access to BLM Land," "Hardrock Mining," and "Elk and Bighorn Sheep Habitat Management," our reasoning parallels that of the BLM, and we will make no further comment on these issues in this statement.

C-10 With regard to "Off-Road Vehicles," we favor "Alternative E," if you would add White Rock Coulee, as shown in "Alternative C," restricted to limited OHV use seasonally. We don't find any good reason for it to be dropped in "Alternative E."

D-3 The stipulation summary as described in "Alternative E" for "Oil and Gas Leasing and Development" represents, in our opinion, a realistic effort to protect the wildlife, including the possible reintroduction of the black-footed ferret (see page 269). We favor the provision in "Alternative D" with regard to No Surface Occupancy (NSO) restriction on oil and gas activities ½ mile around USAs and PUS refuges. We find no good reason for dropping this in "Alternative E." Under current law wastes from oil and gas development, many of which are toxic, are exempt from "The Resource Conservation and Recovery Act," Are such wastes a concern on the JVP?

F-14 "Alternative D" and "Alternative E" for "Riparian and Wetland Management of Watersheds" appear nearly identical. In examining Table 2.34 (pages 70) and Table 2.46 (page 85) we find that, while the miles of stream managed for riparian and wetland value are almost the same, the number of allotments and number of BLM water sources within allotments managed for those values are quite different. Did we miss something in our perusal of the document? We support either of these alternatives and do not quarrel with the recommendation in "Alternative E" to allocate any forage increases to livestock as well as watershed and wildlife (see page 85).

Our organization being what it is, we are pleased to find the BLM committed, expressed at various places within the document (see page 14) to meet wildlife goals, which are "truly laudable." Habitat is the key to viable wildlife, and yet we must realize that the economic well-bearing of its human citizens is all-important. Wildlife, varied and abundant, is the indicator that we humans are in balance with our environment. We notice (page 15) your commitment to the "North American Waterfowl Management Plan." We will expand on this theme in our later written comment.

page one

22

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Steve Davis		7/30/91

Yes : 345
Old Scripps

I-19 We support 360. We find no evidence in national news Old Scripps der not warrant a study separate unless provided.

Yes The values & Special Study are not warranted We do support the recommended 3 in proposed & emergency use Motorized cycles ban Timber cut with in the Sand Rock area.

Please return to: BUREAU OF LAND MANAGEMENT
David Mengar
P.O. Box 1160
Lewistown, MT 59457

21A

page two

Regarding the "Prairie Dog and Black-footed Ferret Management" concern, we are impressed that a Coordinated Resource Management Plan (CRMP) committee selected the recommendation that became "Alternative E." No plan is going to succeed without local approval and support. We are further impressed to learn that agency people involved in all of this have meds -- perhaps are yet making -- many personal contacts with local citizens, especially ranchers -- often one-on-one -- to convince them there will be no harm to their well-being if the ferret is reintroduced.

Otherwise, our first guess is to say we favor "Alternative D" over "Alternative E." It is a bit difficult to make direct comparisons between the two plans. For example, slightly more acreage is recommended under "Alternative E" than under "Alternative D." Figure 2.12 (page 75) locates the "dog towns" for the "Alternative D" recommendation. But there is nothing similar for "Alternative E." We suspect we could dig out the differences by study of "Appendix I" (pages 381-388).

We are grateful for the seven ACECs nominated out of 31 submitted. However, we feel you construed your needed 'characteristics' much too narrowly. Historically, the BLM has in Montana, in our opinion, restricted -- nay, resisted -- designation of ACECs. At times, we agreed, because such designation can lead to more public use than the area can take. What we really want for many of the 31 areas nominated is more than routine management. We believe for several that you state failed to meet the criteria can be adequately protected under other management options. We know you won't object if we say we will monitor you accordingly.

submitted by: James Phalps
Public Lands Chair
Montana Audubon Council
2110 Bradbrook Court
Billings, MT 59102-2406

23

Del A. Hemmen
V.P. Southeastern Mont. Sportsmens Assoc.

1433 Emerick Ln.
Laurel Mt. 59044

7-30-91

1. In favor of reasonable distance on camping.
2. Not in favor of 803,116 acres closed seasonal. This is not catering to the needs of the majority users during hunting season. My opinion is that the BLM should offer maximum use of the publics land especially during peak users times.
3. Am not in favor of including large areas of BLM land in Block management areas which are designed for private land programs.

C-5 4. We need a form of game retrival such as off road vehicle use for game
C-9 retrival between the hours of 11:00 am to 3.00 pm. No other times are permissable!
5. Please open Horse-ebee Sand crossing road and Alkali Crk Road. Especially the lower end.

(Typed exactly as received for reproduction in the final RMP/EIS.)

24

Harold Kelso 1436 St. Johns
Billings, Mt. 59102 07/29/91

C-5 1 - We need and demand - vehicle game retrieval. Set hours 11 am-3 pm only.
C-9 Ticket & fine violators - no warnings. We seem to be no closer to retrieval
C-19 than we were one year ago. You may be asking hunters violate the law.
2 - The 9-8 Road, East of Carpenter Creeks - down to Alkali Cr. needs to be
open, a ½ mile road. Going around is 21½ miles.
3 - In favor of the "Reasonable distance" from roads for campsites.
4 - Instruct hunters to help "self police" violators - as they do in the
Gravelies.
5 - Out taxes and license fees contribute a lot to the tax base of the State.
Is anyone listening to us?
C-9 6. The lower portion of the Alkali Cr. Road should be open.
C-11 7. If 95% of the use occurs during the Hunting Season, why are the roads
closed during the heavy use time?
8 - Permitting the North side has increased use on the South side by 3-5 times
- a 5 unit campsite has grown to 15-20 units.

(Typed exactly as received for reproduction in the final RMP/EIS.)

26

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Jim Cramer	Rt 3 Box 1513 Lewistown MT	Aug 7 1991

Alternative #5 is the best alternative presented in the draft plan. Dept of Fish, Game & Management plan for the Missouri River Breaks should be used in every alternative. The draft of the document call for stable populations in the Judith and Snowy Mountains. Should the BLM call for increased populations?

G-4

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

25

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Thomas Ryan	Box 54 Winnett, Mt 59087 Billings Mail Box 6X 4737	7/31/91

Block Management - one year - if successful limit another year & reason. Access have been open for many years and have been used as - Have to close the access are in block Shoot Low to the low side hunt many could then have the opportunity to have access. Those talked to many hunters who are very unhappy with the Block & Fish Plans. The comments have not been placed in our phone this last block. Look at us.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

27

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Joe & Wicks	Rt 2 Lewistown, Montana	Aug 1st

South Moccasin-Judith Mt Stock Assn

A-2 There should be a 6th alternative
A-25 Sell the 1300- acres in the South Moccasin Mts to willing buyers. This should cut BLM's management costs as well as bring in needed revenue. The county could collect tax revenue also.
Elk introduction would be disastrous to this small area
If a 6th alternative is not possible plan A is preferred

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

28

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Jay Wicks (Wicks Ranch Corp)	RT 2 Box 2410 LEWISTOWN, MT. 59457	Aug. 1, 1991

J-1 ACEC designation on the South
J-4 Mountains does not exempt
the designated criteria. This is
16,16,17-2 thru 16,16,17-9.
Please verify.

BLM like an avalanche -
unstoppable in mid slope.
Wish I really thought there
hearings would do some
good.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

30

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Jim Borgheen	415 3rd Ave. North Lewistown, MT 59457	Aug. 1, 1991

#1. Set up a committee (local) with BLM
HT Fish Wildlife & Parks, U.S. Forest Service
(landowners & Sportsmen) Boards to Rule
the matter of EIS Re: snowmobiles effects
Many Sportsmans groups are there to help
out these problems - Possibly to decide
issues would fit this format well.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

29

Aug. 1, 1991

RE: BLM PLAN PROPOSAL

IT IS WITH A GREAT DEAL OF CONCERN FOR FERGUS COUNTY, PRIVATE LAND OWNERS AND MONTANA IN GENERAL THAT WE VIEW "THE PLAN". PILT PAYMENTS ARE NOT MEETING THE REVENUE NEEDS OF THE COUNTY AT THE SAME RATE THAT TAKES FROM PRIVATELY HELD LANDS WOULD. ONE-THIRD OF THE LAND IN MONTANA IS GOVERNMENT HELD SO WITH PROPOSAL ABOUT 31,000 ANIMAL UNITS OF GRAZING AND INTRODUCE MORE WILD LIFE. IS BUFFALO COMMONS OR CATTLE FREE IN 93 FAR BEHIND? WE FEEL THAT HISTORICALLY BUREAUCRACY HAS NEVER PROVEN TO BE THE ULTIMATE MANAGEMENT STYLE FOR ANYTHING. THEREFORE, IT IS OUR CONTENTION A-2 THAT "THE PLAN" SHOULD OFFER A SIXTH ALTERNATIVE---THE SALE OF A.25 BLM LANDS. THE GOVERNMENT CAN CERTAINLY USE THE MONEY.

WE FEAR THE CONSEQUENCES OF GOVERNMENT ENCROACHMENT ON FUTURE GENERATIONS' ABILITY TO SURVIVE IN AGRICULTURE, AS GOES AGRICULTURE SO GOES FERGUS COUNTY AND MONTANA.

JOY REEDER WICKS
WICKS RANCH CORPORATION

Joy Reeder Wicks

31

July 30, 1991

BUREAU OF LAND MANAGEMENT
P.O. Box 1160
Lewistown, Montana 59457-1160

Attention: B. Gene Miller

Dear Mr. Miller:

I am writing this letter to you to voice my support for Alternative "B" for oil and gas leasing in the "Judith, Valley, and Phillips Resource Areas". My second preference would be Alternative "E", the BLM preferred plan.

Montana has historically been a state in which the best aspects of the concept of "multiple use" are in evidence, and I strongly urge that the relevant Federal agencies uphold that ideal when formulating plans for this Resource Management Area.

The United States imports nearly half of its oil supply, a good portion of which comes from hostile or politically unstable regions of the world. The American people deserve plans which provide for the responsible exploration and production of America's energy resources.

Very truly yours,

Gerald T. Sullivan
2637 Beech Street
Bakersfield, California 93301

32

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Leon K. Carpenter	515 east spring street Lewistown, MT 59457	August 4,1991

C-5

At the Lewistown meeting on August 1, I was not in a discussion group which addressed OHV restrictions and road closures. I believe that the road closures which willbe in effect during hunting season will remove the quality of hunting by creating quieter hunting areas but I want to enter three comments which relate to closed roads.

During the Bow and Arrow season, temperatures can and do reach and exceed 100°F in the Missouri River breaks. Early September is mostly hot. Often the hot weather extends well into October. For this reason, there should be a "Game Retrieval" provision in the draft. Under current provisions, a kill can be made over 2 miles from an "Open" road in the Chain Buttes area. I propose that anyone who makes a kill which more than 2miles from an open road during the bow season will be allowed to travel a closed road, if necessary, to a point closest to the retrieval site. A time, which should extend till midnight or later, would be allowed to complete retrieval. Without this provision, some game will be lost to spoilage. People who are not in Olympic condition will be effectually eliminated from the area hunt in a discriminatory manner.

The occasional retrieval operation will not significantly impact the desired goals or objectives of the plan.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

35

Golda M. Leininger Box 80A
Lewistown, MT 8-5-1991

RS-1616.08
Legal Discreption:-T.20N., R. 16E.
S.20N., R17E Section 13, All
Section 20, W½N½

I attended the Special Meeting Aug. 1, 1991-7:00 Lewistown Hi School.
I attended the session on Elk - The person conducting the meeting had no idea where "Bear Spring Ranch-Judith river" area was - I then asked his where he was from - He said "Valley"-Then I asked him "Why are you here conducting this meeting?" Poor Planning!

G-2 I would like more -A definite information pertaining to Elk damage in grain fields which can produce 30-40 & more bushel per acre - plus - land acquisition.

Also-I object to the fact that this meeting was not recorded. We need better control of elk wildlife in this area.

(Typed exactly as received for reproduction in the final RMP/EIS)

34

Dear Sir - 8-5-91
I am concerned about the recently released plan for NE Montana.
I urge you to designate Nichlin Prairie an ACEC and prohibit
I-14 oil & gas development, off road vehicle recreation & military maneuvers. I also urge you to find the Milk & Judith Rivers
W-3 suitable for Wild & Scenic River designation. Thank you for listening.
Please include in record.
Jackie Foster
Dillon, MT.

36

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
[illegible]	[illegible]	8-5-91

C-5

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

38

Gene Miller
District Manager, Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457

Dear Mr Miller.

I am writing this letter in response to the draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement (RMP/EIS). I feel that many changes are needed in the document in order to maintain our way of life and the economic stability of our producers and our community.

This document contains numerous poorly explained statements and assumptions and is extremely hard to read and understand. I am concerned with many areas of the document including land acquisition and disposal, access to BLM land, off-road vehicles, riparian and wetland management of watersheds and prairie dogs and black-footed ferret management. I also do not understand many of the economic conclusions you have reached in your various alternatives. To conduct a proper review and do an ample job commenting on this document I feel I would have to write a 20 page letter. I do not have the time or the resources necessary to accomplish this.

Y-32 Because of these reasons, I would like to request a public hearing be held in the Malta area to discuss local concerns of this document with area landowners and members of the community. I feel that oral comments at this hearing should be recorded and carry as much emphasis as written comments. I also feel that the deadline of October 9 for receiving comments should be extended into December so that all affected parties will have time to respond to their personal concerns.

Sincerely,

Troy Blunt
HC 64 - Box 8145
Malta, MT 59538

cc: Congressman Ron Marlenee

40

MONTANA NATURE CONSERVANCY

The Nature Conservancy

August 8, 1991

B. Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160

Dear Mr. Miller:

I am sorry I have not yet had a chance to meet you in person, but hope to do so some time soon. In the meantime, welcome to your post. You have some outstanding staff people in the Lewistown office, and I hope you enjoy working with them as much as I do.

I am contacting you regarding "late-breaking" ACEC nominations that were not addressed by the recent Draft EIS for the Judith Valley Phillips RMP. The Montana Heritage Program has listed two nominations, Woody Island Coulee and Saddle Butte on 11/16/90. I knew that the Draft EIS had already been reviewed by the state office, and called Chuck Otto and Dan Lechefsky to talk about the nominations before they were sent in. Chuck made no promises, but encouraged me to go ahead and send them.

Woody Island Coulee was previously nominated in 4/89, along with two other sites. I was contacted by Chris Erb, as well as staff in your office about these sites, and we all agreed that it would be better to have more information than we had at the time.

I-17 During the '90 field season, the Heritage Plant Ecologist, Rob DeVelice, did extensive inventory work along the Mi-Line. Based on this work, he felt strongly that Woody Island Coulee should be resubmitted with stronger recommendations, and that Saddle Butte should be considered for ACEC designation. We are aware that there are potential conflicts at Saddle Butte, and that additional inventory work is needed to strengthen that nomination.

I believe it was Chris Erb who informed me in December that these latest nominations would not be considered in this EIS, but would be addressed after the RMP process was finished, as potential amendments. I was informed that the primary reason for this was the the nomination of the Bitter Creek WSA, by Sierra Club and others. The BLM assessment, with which I basically agree, is that this was a major, and potentially controversial proposal, with many affected parties, and that it would need more scientific analysis as well as careful handling. While understanding the BLM's dilemma, I was disappointed that these nominations would not be in the Draft EIS, although it is only fair to handle them all in the same way.

I understand the Sierra Club is contesting the decision to postpone consideration of these nominations, and that there may be a legal basis for their protest. I do have concerns about how long it will take to reopend to these late nominations, since the RMP

Big Sky Field Office ☐ Power Block West, 3rd Floor ☐ P.O. Box 258 ☐ Helena, MT 59624 ☐ (406) 443-0303 ☐ FAX (406) 443-8311

39

Gene Miller
District Manager, Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457

Dear Mr Miller.

I am writing this letter in response to the draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement (RMP/EIS). I feel that many changes are needed in the document in order to maintain our way of life and the economic stability of our producers and our community.

This document contains numerous poorly explained statements and assumptions and is extremely hard to read and understand. I am concerned with many areas of the document including land acquisition and disposal, access to BLM land, off-road vehicles, riparian and wetland management of watersheds and prairie dogs and black-footed ferret management. I also do not understand many of the economic conclusions you have reached in your various alternatives. To conduct a proper review and do an ample job commenting on this document I feel I would have to write a 20 page letter. I do not have the time or the resources necessary to accomplish this.

Y-32 Because of these reasons, I would like to request a public hearing be held in the Malta area to discuss local concerns of this document with area landowners and members of the community. I feel that oral comments at this hearing should be recorded and carry as much emphasis as written comments. I also feel that the deadline of October 9 for receiving comments should be extended into December so that all affected parties will have time to respond to their personal concerns.

Sincerely,

Jim Hardesty
Box 56
Dodson MT 59524

cc: Congressman Ron Marlenee

40A

page 2

process will not be complete for some time. The account which was related to me by Curt Koepsel of the Sierra Club concerning a similar situation with the Colulmn BLM was discouraging. Also, BLM staff have told me it is difficult to get money for planning after the RMP process is completed.

It is our preference to see the nominations included in this planning cycle, if there is a way that can be done. I wish that we could have been more timely in submitting these nominations, but it has been difficult to pull together information for a number of reasons, including limited resources, manpower constraints, and the relative newness of the Montana Natural Heritage Program. The completion of the statewide grassland conservation strategy evaluation system should ease the pressures on the Heritage ecologist, and free up more of his time for future RMP resource management plans.

I-17 Finally, I need to make an addition to our list of late ACEC nominations. As a result of last winter's data analysis, the Heritage Program also asked me to reexamine Joiner Coulee Pothole Prairie. This is another of the '89 nominations which we essentially withdrew because we didn't feel there was enough information on availability of alternative sites. We do feel at this time that there are no better sites along the central Mi-Line, and that the lone of pothole prairie wetlands justifies the protection of the remaining samples in the public domain.

Like Woody Island Coulee, Joiner coulee Pothole Prairie has received some preliminary review by BLM staff. In addition to the orginal report, I will enclose a Site Basic Record (SBR) from the Heritage database which summarizes the values from a biodiversity standpoint. We would like this site to be considered with Woody Island Coulee and Saddle Butte, whatever the fate of those nominations is.

The Nature Conservancy appreciates the level of commitment that the BLM is demonstrating to biological diversity; through its participation in the national Keystone Center process, its involvement in the Montana Interagency Natural Areas MOU and the national MOU with the Nature Conservancy, and through its ACEC program. We will continue to do the best job we can to provide the BLM with the scientific information necessary to assist it in making these important management decisions.

Best Regards,

Joan Bird
Montana Protection Planner

cc: Dan Lechefsky
Chris Erb, Phillips Resource Area Manager
Montana Natural Heritage Program
Curt Koepsel, Sierra Club

Attachments are available for review in the Lewistown District Office.

41

Gene Miller
District Manager, Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457

Dear Mr Miller,

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Sincerely,

Lucy Newby
Box 36
Dodson, Mt 59524

cc: Congressman Ron Marlenee

Lucy Newby
Box 36
Dodson, Mt 59524

42

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name | Address | Date

Kent Williams | [illegible] Malta, MT 59538 | 7-22-91

- Need economic assumptions used in benefit cost analysis of land acquisition and disposal

Kent wants this info now vs to comment to the [illegible]

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

43

Gene Miller
District Manager, Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457

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Sincerely,

Greg Dessert
HC 64 Box 858
Malta mt 59538

cc: Congressman Ron Marlenee

44

Gene Miller
District Manager, Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457

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Sincerely,

_____
_____
_____

cc: Congressman Ron Marlenee

45

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

Re: Collar Gulch & Fish

(Please Print) Name	Address	Date
Cecil Flinders	404 Guarnsite Road Lewistown, Montana 59457	August 12, 1991

E-12 Enclosed is an assay report showing some of the assays we received on our mining claims. These claims are all at the head of the Collar Gulch drainage in the SW¼ Sec 19and the W½ of Sec. 30, T17N, R30E. These claims are named Judith Peak No's 1, 2, 3, 4, 5 & 6, MINOMO No.'s 172776, 172777, 172778,A185145,& 185144

As you can see a lot of work and assaying has been done on these claims and the results are encouraging.We have a lot of assays above.015 gm. of gold per ton which shows a large tonnage of commercial ore.

We cannot understand why some 3 inch fish 3 miles down Collar Gulch should prohibit developing and mining these claims. Fisherman cannot come in from the east end of Collar because gates are padlocked and from the west entrance is only by horseback walking or jeep, and who wants to fish for 3 to 4 inch fish.

We hope that other benefits will be considered such as taxes paid, local jobs, community benefits, etc. Good mining practice would protect these fish anyway.

Cecil Flinders
Mark Sh

Attachments are available for review in the Lewistown District Office.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

46A

PAGES 6. COMMENTS — 9CEC[S] — ETC...

STATE OF MONTANA AUGUST 1991
43 CFR 1610.3-2 - CONSISTENCY REQUIREMENTS
PLUS 43 CFR 1610.7-2 - MONTANA'S 60 DAY
ACEC COMMENTS - AND/OR WILD AND SCENIC
RIVERS - CLASSIFICATION'S AND MANAGEMENT PLAN'S
IN ACCORDANCE WITH PUBLIC LAW 90-542 [SEC 3(b)]

Y-11 THESE ITEM ISSUE'S WERE PROVIDED BY
B.L.M. MONTANA STATE AND JOHN A. KWIATKOWSKI
JUNE 13, 1991 AND PUBLISHED AS A FEDERAL
REGISTER NOTICE - JUNE 21, 1991 - THEREFORE
THE COMMENCEMENT OF THE STATUTORY
60 DAY DEPICTED TIME PERIOD WITHIN THE
CODE OF FEDERAL REGULATIONS - THOSE 60
DAY'S THEN WILL EXPIRE AUGUST 19, 1991 -
ADDED - THE 90 DAY STATUTORY COMMENT
TIME FRAME AND THE 30 DAY ADVANCE PUBLIC
MEETING J.V.P./R.M.P/E.I.S BY B.L.M. WERE
ALSO NOTICED - EXPLANATION - THESE STATUTORY
FEDERAL REGULATION TIME FRAME'S ALSO
MUST BE IN ACCORDANCE WITH SAID
SECTION'S AND/OR SUB-SECTIONS WITHIN 43 CFR'S
AND FEDERAL REGISTER PUBLICATION'S - ** TO
AMEND SAID TIME PERIOD'S - MUST BE
IN ACCORDANCE WITH FEDERAL STATUTE'S **
THE MONTANA B.L.M. STATE DIRECTOR OR
DEPUTY STATE DIRECTOR [JOHN A. KWIATKOWSKI]
HAS NO DELEGATED AUTHORITY TO MAKE

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THESE COMMENTS — 8/15/91

USING JUNE 21, 1991 FED. REGISTER NOTICE.
P.L. - 94-579, P.L. 90-542 AND P.L. 94-486
ACCOMPANIED BY DEC. 1, 1975 U.S. SENATE REPORT
AND 43 CFR. 1610.3-1, 1610.3-2 AND
1610.7.2 - AND INCLUDING 47 FR. 39954 —
FROM

U.S. CITIZEN AND RESIDENT OF FERGUS COUNTY
MONTANA JOE TROW - BOX 1061 LEWISTOWN,
MT. 59457

PLEASE FIND ENCLOSED —

6 SETS OF COMMENTS
#1 - 9 PAGE'S 8/14/91
#2 - 4 PAGE'S - 8/14/91
#3 - 7 PAGE'S - 8/9/91
#4 - 9 PAGE'S - 8/10/91
#5 - 10 PAGES - 8/11/91
#6 - 11 PAGES - 8/12/91
3 ITEM'S — 1600 43 CFR'S

ATTN: U.S.D.I. B.L.M.
STATE DIRECTOR MONTANA - AND/OR DEPUTY
STATE DIRECTOR JOHN A. KWIATKOWSKI —
P.O. BOX 36800
BILLING'S MT. 59107 — 6800

46B

8/14/91

STATUTORY TIME FRAME ADDITION OR SUBTRACTION'S
THE U.S.D.I. B.L.M. — THE STATE OF MONTANA —
U.S. CITIZEN'S AND/OR RESIDENTS OF MONTANA,
ARE TO ABIDE BY THE PERTINENT FEDERAL
STATUTE'S —

OTHER FEDERAL STATUTE'S WHICH ARE
REQUIRED TO BE VIEWED BY THE STATE OF
MONTANA - PRIOR TO MAKING COMMENTS
AND
ON SAID FEDERAL LAND'S WITHIN THE STATE
OF MONTANA —

1. THE TAYLOR GRAZING ACT ACCOMPANIED
BY U.S.D.I.'S SOLICITOR'S OPINION AND INTERPRETATION - JULY 25, 1991 [EMPHASIS ON] DOMESTIC
LIVESTOCK GRAZING - AND EXPIRED [1985]
MONTANA'S AS RANGELAND USER AS MEMBER'S
OF A GRAZING ADVISORY BOARD - TO MAKE
RECOMMENDATION'S AND/OR THE CONSUMPTION
OF A PER CENTUM OF 8100 AND 8200 CODED
SUB ACTIVITY RANGELAND IMPROVEMENT FUND'S
IN/ON/OR SPECIFIC FEDERAL LAND'S WITHIN
A B.L.M. ADMINISTRATIVE MONTANA DISTRICT
(a) EFFECTIVE GRAZING DISTRICT BOUNDARIES
(b) SERIAL NUMBER'S AND SERIAL REGISTER'S
FOR ALL CLASSIFIED FEDERAL PUBLIC LAND'S —
* 43 CFR - 1800 (1813 ETC...)
(c) RESTRICTION'S PLACED ON SPECIFIC
EFFECTIVE TAYLOR GRAZING ACT - RANGELAND'S

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8/14/91

(d) THE LOCATION OF (T.G.A.) LAND$, BY LOCAL SCHOOL DISTRICT BOUNDARIES - ARE REQUIRED. REASON: THOSE FEDERAL LAND$ ARE ALSO "ENTITLEMENT ACRE$" AS IN PAYMENT-IN-LIEU-OF-TAXES PROGRAM PAYMENTS

SINCE THE B.L.M. MENTION U.S.D.I. SECRETARIAL ORDER$ - WITH THE (T.G.A.) THE STATE OF MONTANA - MUST REQUIRE

(a) EFFECTIVENESS OF BOUNDARIE$ UNDER SECTION 701 OF THE (T.G.A.) MUST BE FACTUAL AND AS PUBLIC RECORD$ -

(b) THE REVIEW BY B.L.M. OF ALL FEDERAL LAND$ WITHIN MONTANA AS MANDATED BY - SECTION 102 (2) ET AL OF PUBLIC LAW 94-579 [FLPMA] OCT 21 1976

(c) THE ACCURATE MAP$ AND/OR DESCRIPTIVE ACRE$ AS PLATS OR NOTATION$ - WITH SERIAL NUMBER$ INCLUDED WITHIN SERIAL REGISTER$ 43 CFR 1800 -

(d) THE TOTAL ACRE$ AND THE TOTAL NUMBER OF PREFERENCE ANIMAL UNIT MONTH$ AUM$ - WHICH CREATE A LARGE PART OF RANGELAND RECEIPT REVENUE$ - AS DOLLAR$ TO BE STATUTORILY RETURNED TO MONTANAN$ - THIS IS A DIRECT U.S.D.I. B.L.M. LOCAL MONTANA RESPONSIBILITY — AND A MUST FOR ANY B.L.M.

46E

8/14/91

R.M.P. - [MONTANA AREA$] AND ALSO STATE WIDE [WITHIN (3) THREE B.L.M. ADMINISTRATIVE MONTANA DISTRICTS]

BY PLACING THESE FEDERAL LAW$ (BY SPECIFIC SECTIONS) IN A CHRONOLOGICAL ACCOUNTING -

WITH AVAILABLE PROVIDED - PROPERLY PREPARED, RETAINED AND MAINTAINED U.S.D.I. PUBLIC RECORD$

(a) FOR PUBLIC VIEWING AND/OR COPY

(b) FOR RECORD$ FORWARDED TO STATE OF MONTANA - WITH CERTIFICATE$ OF VERIFICATION ATTACHED TO EACH RECORD PROVIDED - THAT ARE THEN TO BE ENTERED INTO MONTANA COUNTY RECORD$ - AS FEDERAL LAND CLASSIFICATION AS REVENUE PRODUCER$ FROM CASH RECEIPTS AND/OR APPROPRIATED FEDERAL DOLLAR$ THRU THE U.S.D.I. B.L.M. DIRECTORSHIP OF MR TOM ALLEN - WO-800 - MIB ROOM 5651 WASHINGTON D.C. 20240 -

IT MUST BE A STATE OF MONTANA REQUIREMENT - TO LOCATE A COPY OF THE HARD COPY - INVENTORIE$ - AND STATUS AND/OR CLASSIFICATION$ (WITHDRAWAL$, SEGREGATIONS) PRIOR TO OCTOBER 1976 AND SAID RECORD$ AFTER BEING REVIEWED BY U.S.D.I., B.L.M. AFTER

46D

8/14/91

PROPOSED R.M.P. WITHIN MONTANA - THOSE AREA$ AND THEIR ECONOMIC

Q-12 AFFECT ON MONTANAN$ AND/OR MONTANA SCHOOL FUNDING HAS NOT BEEN ADDRESSED IN PROPOSED "DRAFT" JULY 1991 -

THEY HAVE ALSO NOT BEEN DOCUMENTED BY ANY B.L.M. EXECUTIVE MANAGER - AS IN L. TOM ALLEN (WO-800) ASSISTANT DIRECTOR - OF RANGELAND RECEIPTS AND REVENUES - AND/OR P.I.L.T.$ PROGRAM PAYMENTS - DUE AND PAYABLE TO MONTANAN$ AS REQUESTED BY STATE OF MONTANA (OFFICIALS) VIA - WRITTEN REQUEST$ - BY A JOINT HOUSE AND SENATE RESOLUTION - MONTANA LEGISLATURE FORWARDED APRIL 12, 1991 - AND/OR AS PROMISED BY MR TOM ALLEN - (WO 800) AT PUBLIC MEETING (WITH RESTRICTIONS) BILLINGS MONTANA - FEB 15 1991 - THE GOVERNOR'S OFFICE MUST REVIEW -

(2) A AUGUST 8, 1990 - GOVERNOR$ REQUEST TO DIRECTOR (WO-100) CY JAMISON -

(b) B.L.M. DIRECTOR$ AUGUST 21, 1990 RESPONSE TO MONTANA$ GOVERNOR STAN STEPHEN$ - WHICH HAS NOT BEEN FULFILLED -

THESE ISSUE$ MUST BE ADDRESSED

Y-4 BY U.S.D.I. B.L.M. - IN ANY PROPOSED

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8/14/91

OCT 21 1976 - AND AVAILABLE FOR ALL MONTANAN$ TO VIEW AND/OR COPY AT ACCT AT SPECIFIC B.L.M. OFFICIAL DESIGNATED LOCATIONS!

EXAMPLE - AFTER LOCATING AND REVIEWING - SECTION$ OF PUBLIC LAW 94-579 - THE LOCAL B.L.M. EXECUTIVE MANAGER$ AND STAFF MUST HAVE COPIES OF HARD COPY OFFICIAL U.S.D.I. DOCUMENTATION OF ALL FEDERAL PUBLIC LAND STATUS, CLASSIFICATING, WITHDRAWALS, SEGREGATION$; AND RESOURCE$ THAT HAVE ALSO BEEN INVENTORIED - CHECK THESE INVENTORIE$ - AS DEPICTED THAT THE B.L.M. USED - TO PREPARE ANY A.C.E.C.$ FOR ANY LOCATION$ WITHIN THE STATE OF MONTANA -

NOW PRIOR TO OR ON AUGUST 19, 1991 PLEASE VIEW THE FOLLOWING FEDERAL LAW$ (ACT$, STATUTE$, AND/OR 43 C.F.R.) AND PLACE THEM UNDER THE ABOVE SPECIFIC USE$ BY U.S.D.I. B.L.M. - BUREAU WIDE AND/OR MONTANA STATE WIDE, AND/OR B.L.M. ADMINISTRATIVE DISTRICT$

- A - BANKHEAD JONE$ FARM TENANT ACT
- B - MINERAL LEASING ACT
- C - U.S.D.I. - REFUGE REVENUE SHARING SYSTEM - ACCOUNTING$

46G 8/14/91

-D- Payment-in-Lieu-of-Taxes-Program -

-E- All serial Numbers and serial Registers - So as To Locate All Federal Public Land Status and/or Locations By Acres With The State of Montana -

Each and Everyone of Those Item, Issues are Required - By The State of Montana -

1. As Anticipated Revenues
2. As a Local School District and its Trustees Tax Base
3. As item's For State and County Entities To Properly Redistribute - Each of said Revenues -
4. Etc.... s

Therefore - Without Each of These Item, Issues - Being Addressed within said J.V.P./R.M.P./Eis - Plus - Acecs - Plus - 47 F.R. - 1982 - Wild and Scenic - Title II, missouri, montana "River Area" and management Plan Being in Accordance with sec 3.(b) of P.L. 90-542 -

The State of Montana - Thru - 43 CFR - 1610.3-2 - must Require And/or Request The B.L.M. Director and

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Deputy State Director John A. Kwiatkowski - Montana - North Dakota - South Dakota Directors

For Actual Records Being used By The U.S.D.I., B.L.M. - in and For the Federal Lands in montana Prior To The Initiation of Any J.V.P./R.M.P./Eis - Acecs Proposals - and Wild and Scenic "River Area" B.L.M. management Plans in Accordance with Sec 3.(b) of P.L. 90-542 -

Either The Mandated Records Exist - within U.S.D.I. B.L.M. Files - and Have Been used By over 40 Professional B.L.M. Employees - For over (3) three years - and A Proper R.M.P. "Draft" July 1991 Has Been Proposed - For ???

Or

The Mandated Records Do Not Exist - within U.S.D.I. B.L.M. Files - and These item Issues must Not Be Contained in Any Proposed J.V.P./R.M.P./Eis - Acec Proposals - or Effective Title II, missouri, montana - "River Area" Classifications, Exterior Boundaries - and/or A Effective management Plan - in Full Accordance with P.L. 94-486 accompanied By 1975 Dec. 1. U.S. Senate Report (S-1500) →

46I 8/14/91

Pursuant To Public Laws - 90-542 - including specifically sectin 3.(b) —

As it must Know Appear To Residents of montana - That The Bureau of Land management, U.S.D.I. Montana -

Take Administrative and Restrictive management Actions and For Federal Public Rangelands - with Published Proposed Actions and Restrictions To Be Placed on Federal Public Lands - which are situated within The State of montana —

On what Joe Trow calls Smoke and Mirros - and Federally Paid For Propaganda -

which Affect Dollars and montanans - and -

A Proper within 60 Days (as of August 19, 1991) 43 CFR - 1610.3-2 - Consistency State of montana Requirements — Presented By Montana's Governor Stan Stephens

46J 4 Pages Comments - Acecs - W.S.R. and J.V.P./R.M.P./Eis #/ 8/14/91

Why Go Thru The Actual and Factual Locations of The Federal Laws, Statutes, and CFR's Code of Federal Regulations) which are To Protect - States

Why would The State of montana Public officials Allow Facts or Lack of Facts Stand in The way of A Nice Neat B.L.M. Spoken Ready made Conclusion - and Accept as Final !!

Why Go Through The Bother of Independent Thinking - while and when The Executive Managers of The U.S.D.I., B.L.M. Had Already Provided You with Their Expert Interpretations of:

A- Land Status and Rangeland Receipts

B- "Entitlement Acres" and PILT Program Payments

C- Bankhead Jones Farm Tenant Act Lands in montana - and 25 Per Centum Dollar Payments

D. mineral Leasing Act - 50 Per Centum Dollars To Be Paid montanans

E. Inventories

It might Appear that if Montana officials Do Not Understand - How The U.S.D.I. B.L.M. Operates - within

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SELF CREATED RULES - WHICH ARE NOT IN THE BEST INTEREST OF MONTANANS - AND MOST EXPLICITLY <AS IN MOST DEFINITELY> NOT IN ACCORDANCE OR COMPLIANCE WITH PERTINENT SECTIONS OF FEDERAL STATUTES ARE - LIMITING - REVENUES - BY ACTUAL FEDERAL PUBLISHED STATUTES FROM BEING RETURNED TO ACTUAL ACRE AREAS [OF AND FOR FEDERAL PUBLIC LANDS] IN SPECIFIC MONTANA SUB DIVIDED ENTITIES.

THAT AT THIS POINT IN TIME THAT THE GOVERNORS STAFF MEMBERS AS IN MR GLENN MARX AND/OR MR ART WITTICH —

TRULY - TRUELY - ACTUALLY - HAVE THE MANDATES OF THE FEDERAL STATUTES ON WHAT THE U.S.D.I., B.L.M. IS TO FOLLOW - AS PUBLISHED - WHILE ADMINISTRATING AND MANAGING FEDERAL PUBLIC LANDS IN MONTANA - TO PROVIDE AS MUCH SUSTAINED YIELD AS MULTIPLE USE PUBLIC LANDS - INCLUDING: RANGELAND IMPROVEMENTS (BETTERMENT) BECAUSE OF 50 PER CENTUM OF CASH RANGELAND RECEIPTS - PAID BY U.S.

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OF PRODUCTIVITY - THAN - INTERMINGLED STATE OF MONTANA SCHOOL TRUST FUND LANDS - WHICH RECEIVE NO BETTERMENT FUNDING - THEREFORE - PRIOR TO CHANGING THE ANTICIPATED REVENUES OF THESE FEDERAL CLASSIFIED OR UNCLASSIFIED OR SECREGATED AND/OR WITHDRAWN AND INVENTORIED PUBLIC LANDS AS SUCH —!

THAN ANY B.L.M. PROPOSED R.M.P. THEIR ACTUAL UPDATED ECONOMIC VALUE TO ALL U.S. CITIZENS MUST BE KNOWN AND PUBLISHED AS OFFICIAL B.L.M. RETAINED AND MAINTAINED PUBLIC RECORDS — FOR VIEW AND/OR COPY AT A COST - AT SPECIFIC MONTANA B.L.M. LOCATIONS.

THESE ARE THE SIMPLE MANDATES WITHIN FEDERAL STATUTES - WHICH THE B.L.M. EXECUTIVE MANAGERS FAIL - AS IN <TO DECEIVE, TO BE INSUFFICIENT, OR PLAIN FALLSHAFT> TO:

A - ADDRESS BY INVENTORIES
B - INVENTORIES AND ECONOMIC (R&M)

STUDIES USED PRIOR TO USE IN PROPOSED R.M.P.S

C - BY SERIAL NUMBERS IN SERIAL REGISTER FOR ALL TYPES OF CLASSIFIED PUBLIC LANDS AND/OR PROVIDE AS VALIDATED OFFICIAL U.S.D.I. B.L.M. CERTIFIED RECORDS.

46L 8/14/91

CITIZENS IN MONTANA - AS MONTANANS AS PUBLIC LAND USERS $8100 + $200 FUNDS

ALSO THE U.S.D.I. B.L.M. - REVENUES VERY LARGE AMOUNTS OF FEDERAL DOLLARS APPROPRIATED BY OUR U.S. CONGRESS <AS IN 50.8 MILLION DOLLARS - OCT 1, 1990 THRU SEPT 30, 1991 -> OF WHICH A SPECIFIC SUM AMOUNT IS TO BE SPENT BY B.L.M. EXECUTIVE MANAGERS ON AND FOR THE SAME FEDERAL PUBLIC RANGELANDS IN MONTANA - AS FOR THEIR, - ACRES OF LAND - BETTERMENT AND/OR IMPROVEMENT — CODED BY U.S. TREASURY ACCOUNTS AS 4320 FUNDS

THE ACTUAL CONSUMPTION OF THESE (3) THREE CODED - $100, $200, AND 4320 DOLLARS WITHIN MONTANA - MUST BE - RECORDED AND FINANCIALLY ACCOUNTED FOR - BY THE B.L.M. - WITHIN MONTANA - FOR REASONS: WITH MILLIONS OF DOLLARS - TO BE SPENT FOR ON-THE-GROUND (MONTANA) IMPROVEMENT OF RANGELANDS — BY THE B.L.M. AND/OR GRAZING ADVISORY BOARD (MONTANA) MEMBERS (WHICH HAS EXPIRED - DEC. 31 1985) - THEN SAID LANDS MUST BE IN A BETTER STATE

46N Commonits — ACECs - W.S.R.S PLUS J.V.P./R.M.P/E's

B.L.M. VS MONTANA

1 RANGELAND RECEIPTS - VS PAYMENTS TO MONTANA'S
2 ENTITLEMENT ACRES'' LOCATIONS - VS - LOCAL PAYMENTS
3 BANK-HEAD JONES LANDS - 1958 - VS - B.J. LANDS 1991
4 (RANGELAND (BETTERMENT) 4320 CODED FUNDS FOR MONTANA - VS - THEIR ACTUAL USES.
5 (ON-THE-MONTANA-GROUND - RANGE IMPROVEMENT (AS $100 AND $200 CODED DOLLARS) VS - ACTUAL USE IN 3 MONTANA B.L.M. DISTRICTS.
6 (B.L.M. JURISDICTIONAL LAND IN MONTANA - VS - INVENTORIES, CLASSIFICATIONS, ACCURATE MAPS AND/OR DESCRIPTIONS BY LOCATION ACRES
7 (B.L.M. DOCUMENTATION OF EFFECTIVE EXTERIOR LAND BOUNDARIES FOR TITLE IV, MISSOURI, MONTANA RIVER AREA" - VS - NO SUCH LAND AREA IN MONTANA
8 (B.L.M.S - WITHDRAWAL BY U.S.D.I. ASSISTANT SECRETARY - DAVID C. ODDIE - APRIL 19, 1991 OF 9,036 PLUS ACRES - VS - NO SUCH LAND AREA FOR REASON OF WITHDRAWAL - NOTHING IN ACCORDANCE WITH SEC 3.(b) OF P.L. 90-542.

EACH OF THESE ITEMS - ARE -
(2) REVENUE USE IN MONTANA - AS IN
(i) PAID TO MONTANANS
(ii) NOT CONSUMED DOLLARS ON/OR/FOR FED. LAND IN SPECIFIC MT. AREA
(iii) UNAUTHORIZED RESTRICTIONS ON/OR/FOR FED. LAND TO PRODUCE DOLLARS FOR MONTANA (ME)

THESE ITEMS AND/OR ISSUES FOR ALL MONTANAN'S MUST BE - AS HARD COPY RECORDS - TIMELY AND PROPERLY PREPARED (BY U.S.D.I. AND/OR B.L.M.) AS PUBLIC RECORDS - RETAINED AND MAINTAINED - AT SPECIFIC U.S. GOVERNMENT FIELD INSTALLATIONS - AS IN MONTANA'S B.L.M. RECORD FILES OR ACCESS VIA FAX UPON MONTANA'S B.L.M.'S REQUEST FOR RECORDS WHICH AFFECT LAND'S UNDER THEIR PRIMARY JURISDICTION OR SECONDARY JURISDICTION AS ENTITLEMENT ACRES - AS FORMULA FOR P.I.L.T'S PROGRAM AND PROPER YEARLY <AS IN COUNTY SCHOOL DISTRICT> STATE OF MONTANA ENTITIES -

WITHOUT THE B.L.M. MONTANA AS AN ARM OF THE U.S. DEPARTMENT OF THE INTERIOR - IST PROVIDING THE FEDERAL LAWS, ACTS, STATUTES, C.F.R.S, AND/OR LOCAL REGULATIONS - IN A EXACT LIST WITH SPECIFIC SECTIONS AND SUB SECTIONS - IN THEIR ARRANGED ORDER OF OCCURRENCE - WHICH WOULD CONTAIN THE RELATIVE EVIDENCE OF WHICH SECTIONS AND SUB SECTIONS

ORDERS - 1935 - 1939 ETC... FOR FEDERAL LANDS WITHIN MONTANA > OR STATUTE BEFORE OCT 21, 1976 - ARE/OR/WERE TO BE REVIEWED IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL ACT OF OCT 21 1976 - [FLPMA]

WITHOUT THE EXACT KNOWN STATUS/AND/CLASSIFICATIONS BY TYPE OF FEDERAL LANDS - IN MONTANA THAT WERE PROPERLY REVIEWED - UNDER THE DIRECTORSHIP OF THE SECRETARY OF THE U.S. DEPARTMENT OF THE INTERIOR - SHOULD ANY - TITLE II - LAND USE PLANNING - BE MADE OR IN ANY PROPOSED R.M.P. "DRAFT" J.V.P. JULY 1991 - OR- SHOULD ANY TITLE II - LAND ACQUISITION AND DISPOSITION - BE MADE OR IN ANY PROPOSED R.M.P. "DRAFT" J.V.P. JULY 1991 - AND WITHOUT A DOUBT - AS-TO-FACT NO - R.M.P./EIS THAT WOULD HAVE ANY AFFECT ON (8) EIGHT - ACRES (AREAS OF CRITICAL ENVIRONMENTAL CONCERN) - THAT HAVE BEEN PREPARED BY BUREAU OF LAND MANAGEMENT INTERIOR - THRU FEDERAL REGISTER NOTICE - JUNE 13, 1991 - PUBLISHED FRIDAY JUNE 21, 1991 - VOL. 56 NO 120 -

WHICH ARE ACTUALLY AND FACTUALLY TO BE ADHEARED TO BY BOTH FEDERAL AND STATE ENTITIES -
THIS LIST MUST EXIST PRIOR TO OCT 21, 1976 - AND PUBLIC LAW 94-579 KNOWN AS FLPMA.

DEPICTING:
PUBLIC LAND ORDERS - MONTANA - BY CLASSIFICATIONS, SERIAL NUMBERS AND SERIAL REGISTRATION (EXACT LOCATION) AS STATED IN MANY PUBLIC LAWS AND SPECIFICALLY 43 C.F.R. - 1800 ET AL FOR PUBLIC VIEW AND COPY - WITHOUT THOSE PROPERLY PREPARED AND RETAINED RECORDS BY U.S.D.I. AND/OR B.L.M. MONTANA -
THEN P.L. 94-579 - OCT 21, 1976 MANDATES BY SECTION 102(a) ET AL WILL HOLD B.L.M. U.S.D.I. RESPONSIBLE UNDER THE DIRECTORSHIP OF (NO-100) B.L.M. DIRECTOR <AS IN NOW, 8/9/91 CY JAMISON> TO HAVE HAD ALL LANDS (FEDERAL PUBLIC) - NOT PREVIOUSLY DESIGNATED FOR ANY SPECIFIC USE -!!! AND ALL EXISTING CLASSIFICATIONS OF PUBLIC LANDS IN MONTANA THAT WERE EFFECTED BY EXECUTIVE ACTION <AS IN SECRETARIAL

THIS NOTICE - JUNE 21, 1991 FED. REGISTER BRINGS THE FOLLOWING ITEMS AND ISSUES INTO PROMINANCE FOR ALL MONTANAN'S INCLUDING STATE AND COUNTY OFFICIALS - ** NOTING ** OUR GOVERNOR - PLUS - COUNTY SCHOOL DISTRICT TRUSTEE'S - **

A. - GOVERNOR - MONTANA CODE ANNOTATED 2-15-201 (4) - AND 43 CFR - 1610.3-2 SPECIFICALLY - WITH - 43 CFR - 1610.7-2 DESIGNATION OF ACES - FOR ALL U.S. CITIZEN'S

B. - COUNTY SCHOOL DISTRICT TRUSTEES - MONTANA'S CONSTITUTION ART 10 SEC. 8 - WITH SUPERVISION AND CONTROL - SPECIFICALLY - TAX BASE, ANTICIPATED REVENUES FOR SCHOOL BUDGETS - REQUIRING - LOCATION OF ALL ENTITLEMENT ACRES (PILTS) - AND THEREFORE HAVING KNOWLEDGE - OF THEIR OWN FUNDING'S !!

B.L.M. EITHER HAS REQUIRED RETAINED RECORDS - AT HAND - AND FOR PUBLIC VIEW - OR
THE STATE OF MONTANA MUST 1ST ASSUME THAT THE RECORDS FOR TAX BASE AND

46S

8/7/91

ANTICIPATED REVENUES AND/OR EXACT FEDERAL LAND LOCATIONS BY ACRES DO NOT EXIST -

AND UNTIL ALL REQUIRED RECORDS ARE PROVIDED -

ALL DOLLARS RECEIVED VIA THE U.S.D.I., B.L.M. - MUST BE CHALLANGED AND NOT ACCEPTED AS PAYMENT IN FULL -

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THAN 43 CFR · 1610.3-2 - CONSISTENCY REQUIREMENTS

MUST BE THE VEHICLE THE STATE OF MONTANA - SHOULD USE PRIOR TO AUG 20, 1991 - SO AS TO RECEIVE FACTUAL AND ACCURATE DOLLARS THAT ARE OR HAVE BEEN UNDER THE CUSTODY OF THE MONTANA B.L.M. AND/OR THE B.L.M. HEADQUARTERS WASHINGTON D.C. - 20240 - . PLUS - NOT PERMITTING THE U.S.D.I., B.L.M. TO PROPOSE ANY FUTURE FEDERAL LAND USE PLANNING - WHICH COULD ADD TO PAYABLE LAND USE DOLLAR LOSS TO MONTANA'S - PLEASE LOCATE MONTANA'S GOVERNOR'S AUG 8, 1990 REQUEST TO B.L.M.

46U

COMMENTS - ACEC'S - U.S.A.'S PLUS I

JUP/R.M.P./EIS

8/10/91

I MADE THESE NOTATIONS AFTER REVIEWING MY NOTES - MADE DURING FACE TO FACE DIRECT ENCOUNTERS WITH: DR. WILSON CLARK - CUSTER NATIONAL FOREST - INFORMANT - MR. DON HERRMAN - DEPT OF REVENUE - STATE OF MONTANA - MR DON A DOOLEY - DEPT OF COMMERCE - STATE OF MONTANA - AND OTHER STATE, COUNTY, AND FEDERAL OFFICIALS -

WITH ISSUES THAT ENCUMBERED THEM WITH THE SLIGHTEST DOUBT AS TO COMPETENCE OF THE LEGAL CAPABILITY OF THE FEDERALIZED OFFICIAL RECORDS AS DOCUMENTED - THAT I, JOE TROW HAVE LOCATED AND ASSOCIATED WITH SPECIFIC MANDATES OF FEDERAL AND STATE STATUTES, WHICH MIGHT PROVE SAID OFFICIAL RECORDS WERE NOT IN COMPLIANCE FROM ORIGIN, TO BECOME PROPER PROCEDURAL RECORDS, SO AS TO COLLECT, DEPOSIT, AND REDISTRIBUTE CASH DOLLARS PROVIDED BECAUSE OF PRIVATE USES OF OUR FEDERAL PUBLIC RANGELANDS WHICH ARE LOCATED IN LOCAL SCHOOL DISTRICTS WITHIN MONTANA -

I HOPE THAT MY NOTES ARE RECORDED ONLY AS JOE TROW'S COMMENTS DIRECTED TO THE PERSONAL ATTENTION OF M.A.C.O.'S EXECUTIVE DIRECTOR MR GORDON MORRIS - WITH A SIMPLE SUGGESTION - THAT WHAT FACTUAL OFFICIAL U.S.D.I. B.L.M. RECORDS THAT ARE REQUIRED BECAUSE OF THE SET OF LAWS YOU HAVE

46T

8/8/91

DIRECTOR CY JAMISON - PLUS - DIRECTOR'S CY JAMISON'S AUG 24, 1991 REPLY TO MONTANA'S GOVERNOR STAN STEPHENS' -

IT IS HARD TO BELIEVE - THAT NO SOLUTION HAS BEEN DEVELOPED BY THE B.L.M. UNDER THE DIRECTORSHIP OF MR DELOS JAMISON - SO AS TO PROVIDE PROPER PAYMENTS TO MONTANA'S SCHOOL FUNDING - - AS WAS PROMISED -

THE STATE OF MONTANA OFFICIALS DO HAVE KNOWLEDGE - THAT MANY REQUESTED RECORDS HAVE NOT BEEN PROVIDED BY THE U.S.D.I, B.L.M. - THEN THEIR EXECUTIVE MANAGERS AS PROMISED -

THAT AFTER VIEWING JULY 25, 1991 U.S.D.I. FIELD SOLICITOR'S OPINION AND INTERPRETATION OF SEC 10 OF THE TAYLOR GRAZING ACT - THAT SPECIFIC RANGELAND RECEIPT PAYMENTS HAVE BEEN MADE TO THE STATE OF MONTANA - WITHOUT -: THE B.L.M. PROVIDING STATUTORY INFORMATION TO THE MONTANA TREASURER SUFFICIENT ENOUGH · CONCERNING THE PROPORTION OF EACH COUNTY'S AREA IN THE (T.G.A.) DISTRICT SO THAT MONTANA'S TREASURER COULD PROVIDE EACH COUNTY WITH ITS DISTRIBUTED SHARE - THEREFORE ERRONEOUS PAYMENTS EXIST.

46V

PROVIDED WITHIN SAID DRAFT - SHOULD BE VERY EASILY LOCATED WITH A - WRITTEN REQUEST - FROM M.A.C.O. - NO PHONE CALL - UNLESS - A WRITTEN REQUEST FOLLOWS TO:

U.S.D.I. B.L.M.·
OFFICE OF THE DIRECTOR
ASSISTANT DIRECTOR - TOM ALLEN (202-800)
FOR MANAGEMENT SERVICES
MIB ROOM 5651
WASHINGTON D.C. 20240 -

THIS SHOULD NOT CREATE ANY PROBLEM FOR OFFICIALS - IT SHOULD BE THE ONLY SET OF OFFICIAL ACTUAL AND FACTUAL COPIES OF SPECIFIC VALIDATED U.S.D.I. DOCUMENTATION - AS THEIR PROOF OF COMPLIANCE WITH THE 10 OR 50 FEDERAL STATUES - REQUIRED PRIOR TO ENTITLEMENT ACRES' AND/OR A PROPER T. I. L. T. S PROGRAM PAYMENT - SINCE THIS SET OF COPIES OF OFFICIAL LAND STATUS - LAND CLASSES - SERIAL REGISTERED LAND INVENTORIES - AS PLAT OR TRACT NOTATIONS - AND THE TOTAL PREFERENCE NUMS - WITH ACTUAL COPIES OF MONTANA RANGELAND (FEDERAL) DOLLAR DEPOSITS INTO U.S. TREASURY ACCOUNTS - #145016, #145896.11, AND #145022 - STARTING OCT 1, 1990 - THAN DAY OF M.A.C.O.'S

46W

Written Request To U.S.D.I. B.L.M. - for Tim Allen (wo-800) — As The Records with Certificates of Verification Attached To Each Validated Official U.S.D.I. Record Provided - So As To Publish in M.A.C.O.S. Final - of said Draft —

The Individual in Montana - To The Best of my Knowledge - who Has The Expertise And/or The Expertise To Be of Compendious Aid - with The Various - Specific Requests - To Be Forwarded To Mr. Allen (wo-800) - As Mr. Herb Jones - Lewistown Mt. 59457. In The Resent Past - He Has Created And Constructed - Many Proper Inclarate Formal Inquiries - in Proper Person He Has The Complete Command of All The Acronyms And B.L.M.'s Current Glossarist, So As To Be A Superior Liaison Representative made To ~~The Area and both~~ And It's Executive Director With The Stewardship of The U.S.D.I. B.L.M. And/or other Federal Departmental Officials - Of course I can not speak for him - But I feel sure - That with his Direct Uported Knowledge of The Issues And Items "To Be Known As" The Laws Governing Payments To Montana Counties And The State of Montana From Federal Lands" Any and All

46Y

- To Montana State Officials - Prior To Monday Aug. 12 1991 -

Which Pertains To Federal Range Land Payments And/or Entitlement Acre's (As Pilts Payments) To Our own Montanan's - Plus - Proper Mandated Timely Records Prepared And Retained And/or Maintained of Any Effective Title II Missouri Montana "River Area" - in Central Montana —

Since Several Montana State Officials - Have Requested - Land Status And Land Classification With Actual Resource's - <As in Aum's, As A Amount of A Renewable Resource As A Revenue> For Specific Land's Under The Primary Jurisdiction of The Montana State B.L.M. Directorship - Thru Their Employees Stewardship By (3) Three District B.L.M. Administrative Area's - which Have Changed in Size And Shape At The Bureaus Request - Not By Public Law -(s)

46X

Remunerations He would Receive would Be The Original - An ounce of Prevention is worth A Pound of Cure.

Since The Entire Concept of said Informational Brochure - is To Provide The Residents of Montana - with A Short Appropriate Felicitous Interpretation - of Actual Sections of Federal Statutes - And Thereof To Translate Trite Actions And B.L.M.'s Undocumented Decisions From Any And All Further Use And/or Correlation with said Booklet - Nothing without Certification to Accepted. The Exact List of Acronyms And Proper Glossary < Glossarist > is The Only Vehicle To Place Lans And Bureaucrats ~~Terms into Many Place~~ Plausible Written Words into Their Proper And Factual Perspective For A Layman To Be Competent - With Federal Receipts Due And Receivable And also With Their Final Redistributions -

The Brochure will list Last And Always Provide A Current List of All Federal Payments Due To Each County And It's School Districts - If such classes of Federal Lands Exist - within Any such Exterior Land Boundaries - At Whatever Location - The Latest Rates And/or Formulas As Published Attachments - Forwarded Prior To Final Disposition -

478

46Z

Page #2
8/11/91

The State of Montana Officials - Should Have At Hand - The Following -

Reason - No Governor's Office Staff, Could make A 60 Day Response Y-17 Under 1610.3-2 Consistency Requirement - Comment - on - Area's And/or JVP/RMP/EIS "Draft" July 1991 -

Example - All Federal Land's in Montana, Were To Have Been Reviewed In Accordance with P.L. 94-579 Oct 21 1976 — * Title II - Land use Planning * * Sec. 201 et al - Inventory and Identification * * Land use Planning - Sec 202 et al - * (4) of Sec 202 (c) 4 of P.L. 94-579 > Inventory of the Public Land's -

THE Following are:

Any and All Section "s" of The Taylor Grazing Act "Effective Grazing District(s) within said "Draft" - And/or The State of Montana —

Q-10 (a) - The Total Number of Preference Aum's - Inside said District (s)

(b) The Total Number of Acres - As Recorded By The B.L.M. - After Their Review As Mandated Under Sec. 102 et al (And specifically (2)(3)) of P.L. 94-579 —

46AA

8/11/91

(b)(1) - THE TOTAL ACRES AS OF JUNE 1991 - PLUS THE TOTAL NUMBER OF AUM'S
(b)(2) - THE NUMBER OF DOLLARS RECEIVED ON/FROM DOMESTIC LIVESTOCK GRAZING OF THOSE SPECIFIC T.G.A. GRAZING DISTRICTS OCT, 1989 THRU SEPT 30 1990 - PLUS OCT, 1990 THRU JUNE 30, 1991 - OR JULY 31 1991-

THESE AUM'S CREATE THE DOLLARS PAID TO - (3) THREE B.L.M. ADMINISTRATIVE DISTRICTS WITHIN MONTANA - THEREFORE THE BECOME A PART OF MONTANA'S TAX BASE -
(A) THRU RECEIPT REVENUE - UNDER SEC #10 OF THE T.G.A. AND STATE STATUTE'S -
(B) THOSE ACRES ARE ALSO ENTITLEMENT ACRE'S - AND PROVIDE DOLLAR'S IN-LIEU-OF-TAXES (AS ANTICIPATED REVENUE - EXAMPLE: FOR LOCAL SCHOOL DISTRICTS - FOR PART OF 95 MIL'S [mills] - PROVIDED TO MONTANAN'S O.P.I - HELENA - PLUS ALL OTHER USES OF - PRIVATE LAND TAXES PAID BY PRIVATE LAND OWNER'S - THEY ARE VERY IMPORTANT TO ALL MONTANAN'S - !?!

THEN ADD IN BANKHEAD JONES FARM TENANT ACT LAND'S - AS OF NOV 6, 1958 - AND RESOURCE'S, MINERALS AND AUM'S ETC... -

46BB

8/11/91

AS B.L.M. ACCEPTED PRIMARY JURISDICTION - AGAIN - AFTER P.L. 94-579 - 1976 AND ITS MANDATES - AFTER B.L.M. REVIEWED EXECUTIVE ORDER 10787 - AND THEIR INVENTORY - BY NUMBER OF ACRES -

ALL OF B.T'S LAND'S CREATE THE DOLLAR'S PAID TO: ONLY (2) TWO B.L.M. ADMINISTRATIVE MONTANA DISTRICTS AND ALSO BECOME PART OF MONTANA'S TAX BASE - RANGELAND REVENUE RECEIPTS, MINERAL, OIL & GAS, ETC... REVENUE RECEIPTS, THEN AS "ENTITLEMENT ACRE'S" AND P.I.L.T'S PROGRAM PAYMENTS - TO MONTANAN'S.

THEN RANGELAND'S NOT MADE EFFECTIVE VIA SEC #1 OF THE (T.G.A) LAND'S - WHICH SINCE 1947 - AND/OR OCT 1976 (SEC # 102 (2) (3) P.L. 94-579) HAVE A 50% OF GRAZING RECEIPT REVENUE - AS A TAX BASE (ANTICIPATED REVENUE BY SOME ENTITY) PLUS BEING P.I.L.T'S ENTITLEMENT ACRE'S - AS A SCHOOL DISTRICT TAX BASE.

THEN A "RIVER AREA" IN CENTRAL

46CC

8/11/91

THAT IS NOT EFFECTIVE - BUT HAS PLACED SEVERE RESTRICTIONS ON FEDERAL LAND'S AND/OR STATE SCHOOL TRUST FUND'S LAND'S BECAUSE OF BEING WITHIN - OF OVER 9½ 000 ACRE'S - AND SINCE APRIL 19, 1991 - SEGREGATED AND WITHDRAWN FROM MULTIPLE-USES - WITH OUT ANY EFFECTIVE DATE IN ACCORDANCE WITH - SECTION 3.(b) of P.L. 94-542 -
THIS IS NOT ONLY A LOSS OF FEDERAL LAND USE'S IN MONTANA - BUT
IT IS BEING PUBLISHED ON MONTANA MAP'S - WITH OUT ANY EFFECTIVE DATE. AND
IT IS BEING FUNDED WITH LARGE AMOUNTS OF FEDERAL DOLLAR'S - CONSUMED BY THE MONTANA B.L.M. FOR THEIR SELF CREATED "RIVER AREA" CENTRAL MONTANA - THE LAW WAS MADE FOR THE U.S.D.I., AND/OR B.L.M. - TO BE IN COMPLIANCE WITH - THE STATE OF MONTANA MUST: REQUIRE THE B.L.M. TO PROVIDE ACTUAL, CERTIFIED RECORD'S OF THE EXACT LAND STATUS OF ALL FEDERAL LAND'S WITHIN MONTANA-

46DD

PAGE #4
8/11/91

PRIOR TO ANY LAND USE PLANNING J.V.P./R.M.P/E.I.S - "DRAFT" PROPOSAL WHICH WOULD INCLUDE ANY NEW-A.C.E.C.'S (LAND AREA'S WITHIN OUR STATE OF MONTANA -

UNTIL HARD COPY RECORD'S HAVE BEEN LOCATED - AND PLACED WITH A SERIAL NUMBER AND THE EXACT LOCATION OF THEIR LAND CLASSIFICATIONS, TYPE'S BY FEDERAL STATUTES AND THEIR FEDERAL SERIAL REGISTER FOR WHICH IS THE # ONE ISSUE OF/AND/OR/BY THE U.S.D.I AND/OR ITS AGENCY BUREAU OF LAND MANAGEMENT - INCLUDING MONTANA.

THE STATE OF MONTANA - AS STATE OFFICIALS AND THE RESIDENTS OF MONTANA WITHOUT COPIES OF HARD COPY RECORD'S - AS TO EXACT FEDERAL PUBLIC LAND - LOCATION BY (ACCURATE MAP-WITH A SERIAL NUMBER, M.T.M. PLAT, OR NOTATION AS REQUIRED BY LAW) AS WITHIN LOCAL COUNTY SCHOOL DISTRICTS - WITH THEIR OWN TRUSTEE'S - (AND THEIR TAX BASE AS IN ANTICIPATED REVENUE) THERE IS NO KNOWLEDGE AVAILABLE -

46EE

PAGE 1
8/11/91

So As To UNDERSTAND ANY B.L.M. J.V.P./RMP/EIS "DRAFT" July 1991 AND/OR ACEC PROPOSALS — OR For MONTANAN'S CONSISTENCY REQUIREMENTS

AS IN 43 CFR - 1610.3-2 ET AL —
AS IN 43 CFR - 1610.7-2 ET AL - MANAGEMENT OF AREAS (47 FR 39745) FR EQUALS PUBLICATION NOTICE WITHIN THE FEDERAL REGISTER Vol. 47. No. 173/TUESDAY SEPT. 7, 1982 NOTICE —

EVERY DECISION WHICH COULD AFFECT - THE MONTANA TAX BASE AT THE VERY LOCAL SCHOOL DISTRICT IS SO VERY IMPORTANT TO ALL PERSONS RESIDING IN OR PAYING TAXES TO MONTANA —

THAT IS BEING MADE By THE U.S.D.I. AND/or B.L.M. - THAT DOES NOT FULLY AND ACCURATELY STATE THE DOLLARS AS

1st FEDERAL LAND USE RECEIPT REVENUE

2nd APPROPRIATED P.I.L.T.'S PROGRAM REVENUES.

PLEASE TRY TO REMEMBER !! →

46FF

PAGE #8
8/11/91

THAT IF THE B.L.M. [MONTANA] HAS HAD OVER 40 PROFESSIONAL PAID PERSONS FOR ABOUT A (2) THREE yEAR TIME FRAME TO PUT TOGETHER SAID - J.V.P./R.M.P./EIS AND/OR ACEC PROPOSALS — ON JUNE 24 1991 — WITHIN "DRAFT" DATED July 1991 WITHOUT !!!

EXACT LAND STATUS By —

1 CLASSIFICATIONS — WITH SERIAL NUMBER
2 REVIEWED - EXECUTIVE AND SECRETARIAL ORDERS
3 WITHDRAWAL'S AND SPECIFIC LAND USE RESTRICTIONS [WITH FEDERAL STATUTES AND TIMELY PROPER EFFECTIVE DATES] UNDER HARD COPY FOR VIEW -
4 RANGELAND REVENUE RECEIPTS AND THEIR FORMULAS - (FOR REDISTRIBUTIONS?)
5 TOTAL "ENTITLEMENT ACRES" By EXACTLY BEING DEPICTED AND/or ACCURATELY LOCATED By LAGUNED - PUBLIC DOMAIN - AND/or FEE ACRES RESERVED ACRES - BANKHEAD JONES ACRES, ETC... -] WITHIN MONTANA.

PLEASE LOCATE THE B.L.M. INDIVIDUALS WHO SIGNED - THE J.V.P./R.M.P./EIS AND PROPOSED ACEC'S - "DRAFT" July 1991. THEM WITH ALL THE SPEED AND FAX AT HAND - OF MONTANA STATE OFFICIALS AND/or

46GG

PAGE 1
8/11/91

THE GOVERNOR'S OFFICE STAFF — TO:

REQUEST COPIES OF THE HARD COPY PUBLIC RECORDS - WITH A CERTIFICATE OF VERIFICATION ATTACHED -

TO THE 5 ISSUE ITEMS DEPICTED ON PAGE #8 - 8/11/91 - AS EXACT LAND STATUS - DIRECTLY FROM THE U.S.D.I.'S FIELD INSTALLATION - MONTANA STATE OFFICE AND ITS NOW DIRECTOR — OR ITS 1991 JUNE, ACTING DIRECTOR: TOM LONNIE - BILLINGS MONTANA —

IF SAID LAND STATUS AND RANGELAND CLASSIFICATIONS AND REVENUE RECEIPTS - VIA AUDITS - ARE NOT AVAILABLE THRU FAX - AND COPIES OF REVIEWS MADE By B.L.M. MONTANA - AS MANDATED UNDER SEC. 102(2) ET AL - P.L. 94-579 OCT 21, 1976 - FOR ALL FEDERAL LANDS WITHIN MONTANA UNDER THE

46HH

PAGE #10
8/11/91

PRIMARY AND SECONDARY JURISDICTION OF THE MONTANA B.L.M. — EXAMPLE - RANGELAND REVENUES AND/or P.I.L.T.'S PROGRAM PAYMENTS - ARE NOT AVAILABLE - FOR PROPERLY UPDATED LAND STATUS - USE, CLASSIFICATION AND RESOURCES - By INVENTORY - AND SERIAL REGISTER - AND PUBLIC LANDS IN MONTANA NOT PREVIOUSLY DESIGNATED FOR ANY SPECIFIC USE - EXAMPLE - LAND CLASSIFIED AS OUTSIDE ANY SECTION OF "TAYLOR GRAZING ACT" GRAZING DISTRICT (S) - MADE EFFECTIVE UNDER THAT ACT - AND THEN REVIEWED AFTER OCT 21 1976 AS MANDATED By SEC 102, (2) (3) AND OTHER SEC 102 SUB SECTIONS —

THIS IS A DOLLAR ISSUE TO AND FOR ALL MONTANANS —

THIS IS A HARD COPY OF PROPERLY PREPARED AND RETAINED U.S.D.I. RECORD ISSUE - TO AND FOR THE EXECUTIVE MANAGERS OF THE U.S.D.I. MONTANA B.L.M. —

NO RECORDS — NO PROPER DOLLARS TO MONTANANS

NO RECORDS - NO PROPER J.V.P./R.M.P./EIS

NO RECORDS - NO STATE OF MONTANA'S 43 CFR 1610.3-2 - "CONSISTENCY REQUIREMENTS"

46II Comment's 8/12/91

To U.S.D.I. B.L.M. M.T.S.O. B.L.M.'s3
Comments - Montana Statewide -

Proposed J.U.P./R.M.P./EIS And/or ACE's -
As Stated - Constituted Under FLPMA
[As in Public Law 94-579 And/or 43 CFR -
Specific Sections And Subsections] ->

Therefore - Specific Sections of the
Following - must Also Be Complied with:
+ The Taylor Grazing Act - (T.G.A.)
2 The Bankhead Jones Farm-Tenant Act. (2U Laws)
3 The Mineral Leasing Laws (As Amended By B.L.M.)
4 The Pilt's Program And "Entitlement Acres"
5 Plat map's - Notating Land Status And
Land Withdrawals (By Classifications) And
Depicted Via Serial Number(s) And/or Serial
Register(s)

6 All Past Inventories of And For All
Federal Lands (As Hard Copy And As Public
Record's To Be Viewed Within Montana -

Please Close The Following Hand
Printed Words — Prior To - Allow-
ing - August 19, 1991 To Pass —

46KK II

User's] These Montanan's Functions So
As To Offer And Make Recommendations
To B.L.M.'s Montana District Manager's
And The Utilization of Range - Betterment
Fund's [As in 8100 and 8200 Coded Fund's]

These Specific Montanan's Needed
Functions Expired December 31, 1985

* Note * July 25, 1991 - U.S.D.I. Field
Solicitor's Opinion And Interpretations -
T.G.A. And FLPMA Etc... - Please Place
This With * See 402(g) - Land's Covered By
The Permit or Lease To Another Public
Purpose - Including Disposal - ACE's -
By Any Local B.L.M. Self-Create Rule
or Restriction

This All Makes The B.L.M. To Issue
In Accordance With - * Sec. 401(g)(3).
And Taylor Grazing Act + With 1958
Jurisdiction of Bankhead Jones Land's
In Montana - Please Emphasize - To
Give Prominence To: Public Land's Not
Previously [Prior To Oct. 1976] Designated
For Any Specific Use And Exisistinc
[Prior To Oct 1976] Classification's of Public
Land's That Were Effected By Executive
Action [As in Assumed Secretarial Order's
1985 — 1989 Etc...] Or Statute Before

46JJ

1st: - "Use Federal Land Policy And
Management Act of 1976"
Section 102(a) 2 - Public Land's And
Their Resources Are Periodically And
Systematically Inventoried - The And:
Sec 201(b) - "The Secretary [Dept of Interior]
Shall Ascertain The Boundaries of Public
Lands: Provide Means of Public Identification
Thereof Including Where Appropriate,
Signs, And Map's And Provide State And
Local Governments With Data From The
Inventories For The Purpose of Planning
And Regulating The Uses of Non-
Federal Land's In Proximity of Such
Public Land's —

Sec. 103(k)(1)(2)(3) - Prescribe's The Manner
In Which Livestock Operations Will Be Conducted
In Order To Meet The Multiple-Use, Sustained
Yield, Economic's [To Montanan's And
Said Federal Land's Via "Range Improvements"]

**(2) Describes The Type, Location [A Classi-
fication By A Appropriate Map] General
Specifications For "Range Improvements"
This Being's Up Grazing Advisory Board's -
[As Montanan's And/or Federal Range Land

46LL III

Oct 21, 1976 The Date of Enactment of
Public Law 94-579 [FLPMA] Be:
Reviewed In Accordance With
The Provision Included In FLPMA

Prior To "Draft" July 1991 —
The Governor's Comment(s) Under:
* 43 CFR 1610.3-2 "Consistency Requirements
Et Al * -

All Domestic Livestock Grazing And
Their Specific Montana Federal Range
Land's - Must Have A Standing
Inventory - Land Classification By Type
And Location -
(2) These Land's Produce Dollar's And/or
Receive Appropriated [By our U.S. Congress]
Thru - 4320 Coded Range Betterment
Fund's Plus - Payment - In - Lieu - Of - Taxes
Program - 4320's Pilt's Dollars Are
Handled Solely By - The Bureau of
Land Management - And Therefore
Must Be Also Located As "Entitlement
Acres" At or Down To Montana's
Many Local County School Districts -
And Depicted By Type (As in T.G.A.)
Inside By School District — Outside By
School District - B.J.'s Land's By School
District - Then Identified As "Entitlement

46MM IV

ACRES" — THIS IS COVERED UNDER - THE P.I.L.T.'S PROGRAM - MANAGED UNDER THE DIRECTORSHIP OF MR TOM ALLEN (W0-800) AS ASSISTANT DIRECTOR B.L.M. - WHO ALSO COVERS - FEDERAL RANGE LAND RECEIPT DOLLAR'S [NOT TAX DOLLARS]

THIS IS A GREAT ECONOMIC ISSUE FOR THE GOVERNOR OF MONTANA SO AS TO PROTECT MONTANAN'S AS TAX PAYERS AT EVERY LOCAL ENTITY !!

AS IS ALSO STATED IN FEDERAL REGISTER SEPT. 7 1982 AND ACCOMPANING LAST PARAGRAPH OF [MT-930-4410-08] JUNE 24 1991 — ** 47 FEDERAL REGISTER 39457 - AND/OR 43 CFR 1610.7-2 - FOR 60 DAY PUBLIC COMMENT PERIOD] WHICH WOULD INCLUDE 1610.3-2 AND GOVERNOR'S 60 DAY COMMENT PERIOD —

THIS COMMENT MUST THEN STATE TO THE U.S.O.I., B.L.M. - THAT UNDER SECTION III - MANAGEMENT - OF PAGE 39458 OF FEDERAL REGISTER / VOL. 47 NO. 173 / SEPT 7 1982 / NOTICE - THAT NO WILD AND SCENIC RIVER EXISTS IN TITLE II, MISSOURI MONTANA - "RIVER AREA" PLAN TO MANAGE - HAS BEEN PRODUCED -

4600 VI

AUTHORIZED BY SOME STATUTE WHICH AMENDED - SEC. 3(b) OF P.L. 90-542 BUT THE STATE OF MONTANA MUST ** NOTE ** THAT B.L.M.'S JUDITH RESOURCE AREA MANAGER'S - MR E. CHARLES OTTO - LOCATED AT THE B.L.M. LEWISTOWN DISTRICT OFFICE - IS RESPONSIBLE FOR THE PRESERVATION OF THE INTEGRITY OF THE RECORD FOR THE "RIVER AREA" MISSOURI, MONTANA AND NO SUCH B.L.M. PREPARED PLAN CAN BE LOCATED THAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF P.L. 90-542 AND/OR AMENDED BY P.L. 94-486 ACCOMPANIED BY U.S. SENATE REPORT (S-1506) 12/1/75.

THIS MUST BE ADDRESSED WITH EXISTANCE OR NON EXISTING — WITH TIMELY AND PROPERLY PREPARED RECORD'S OR ADMITTED AS BEING EFFECTIVE IN THE STATE OF MONTANA —

WITHOUT - SAID 1ST PAGE (6) SIX ISSUES BEING ADDRESSED FOR ALL MONTANAN'S WHICH INCLUDES OUR NOW HONORABLE STAN STEPHENS AS GOVERNOR — 1991 - THE PAST AND PRESENT TAX BASE IN MONTANA WILL

46NN

PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ACT — AND IN PARTICULAR SEC 3(b) OF PUBLIC LAW 90-542 — FOR ANY EFFECTIVE "RIVER AREA" ALONG THE MISSOURI RIVER IN CENTRAL MONTANA — THIS IS A ISSUE WHICH SHOULD BE:

Z-4 PUBLISHED - THAT NO BOUNDARIES EXIST IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISH BY OUR U.S. CONGRESS AND SIGNED BY A U.S. PRESIDENT - WITHIN PUBLIC LAW 90-542 AND AMENDED BY PUBLIC LAW-94-486 ACCOMPANIED BY 12/1/1975 U.S. SENATE REPORT (S-1506) AND THEREFORE SHOULD NOT BE DEPICTED AS SUCH ON ANY INVENTORIES, MAPS AS IDENTIFYING FEDERAL LAND'S WITH SPECIFIC MANAGEMENT AND/OR ADMINISTRATION BY ANY AGENCY OF THE UNITED STATES DEPARTMENT OF THE INTERIOR — AS THE MONTANA B.L.M. JURISDICTION —

THIS IS A LOSS OF FEDERAL PUBLIC LAND — AS IN MULTIPLE-USE AND SUSTAINED YIELD - IN CENTRAL MONTANA — IF SAID BOUNDARIES ARE EFFECTIVE — THEN SAID BOUNDARIES AS DEPICTED BY THE LOCAL MONTANA B.L.M. OFFICES — ARE

46PP VII

WILL NOT BE PROPERLY ADDRESSED —

A MORATORIUM MUST BE PLACED ON ALL R.M.P'S (PROPOSED - DRAFTED - AND/OR INITIATED IN MONTANA - UNTIL ALL PROPER FEDERAL LAND CLASSIFICATIONS, STATUS, TYPE AND RESOURCE'S BECOME HARD COPY INVENTORIES UNDER F.L.P.M.A - WHICH CONTAIN ALL THE PUBLISHED INFORMATION REQUIRED TO BE IN ACCORDANCE WITH SAID (6) SIX PUBLIC LAW'S - ACT'S - STATUES [CFR'S] - WHICH PRECEDED OCT 21, 1976 — AND TO BECOME TOOLS FOR B.L.M. -

TITLE II - LAND USE PLANNING; LAND ACQUISITION AND DISPOSITION - AS PLACED IN ANY LAND USE PLAN FOR FEDERAL LAND'S WITHIN MONTANA — AND - 43 CFR - 1610.3-2 "CONSISTENCY REQUIREMENTS" ATTACHED WITH NOW 1991 MONTANA'S GOVERNOR STAN STEPHEN'S - WRITTEN RECOMMENDATIONS - RECOMMENDING CHANGES IN THIS PROPOSED RESOURCE B.L.M. MANAGEMENT PLAN - AS THE STATE OF MONTANA RELATES TO FLPMA AND PRIOR TO OCT 21, 1976 FEDERAL LAW(S)

VIII

And/or STATUES - INCLUDING THE REVIEW OF ALL EXECUTIVE ORDERS - <AS IN PRESIDENTIAL AND SPECIFICALLY - U.S.D.I PastSECRETARIES - SECRETARIAL ORDERS WHICH TODAY APPEAR TO BE AFFECTING 32% PER CENTUM OF RANGELAND RECEIPT DOLLARS THAT COULD BE DUE AND RECEIVABLE FOR MONTANANS AND/OR THEIR LOCAL SCHOOL FUNDING'S -

PRIOR TO AUGUST 29TH 1991 - THE STATE OF MONTANA MUST
Y-17 TAKE A COORDINATED AND TIMELY STAND WITH THE U.S.D.I - USING THE CONSISTENCY AUTHORITY PROVIDED UNDER SECTION 306 AND SUB SECTIONS OF 1610.3-2 OF 43 CFR - PUBLIC LANDS: U.S. DEPT OF THE INTERIOR - CODE OF:
- AND -
M.C.A. [MONTANA CODE ANNOTATED] IN PRIORITIZE USES — GOVERNOR - 2-15-201 SUB SECTION (4) -
OWNERSHIP OF RECORD - 2-6-303 PURSUANT TO 2-6-301 AND 2-6-302.
JURISDICTION OVER LAND PURCHASED BY U.S. 2-1-201 — WE NOTIFY - ACCURATE MAPS OF PRIOR DESIGNATION ETC
CONSTITUTION OF MONTANA - ART X § 8 <ART 10 SEC 8> THE SCHOOL DISTRICT TRUSTEES

46SS

X

COMMENT ON SAID U.S.F.S. R.M.P.'S AND/OR ACEC DRAFT JULY 1991 — AND
JUNE 21, 1991 FEDERAL REGISTER NOTICE —
SAME 60 DAY TIME PERIOD
SAME 90 DAY TIME PERIOD

BUT NOT MADE PUBLIC EXCEPT VIA - ONE - JUNE 21, 1991 PUBLICATION IN FEDERAL REGISTER NOTICE — SECTION 1610.7-2 - DESIGNATION OF ACEC'S — WITH INVENTORIES, RELEVANCE IMPORTANCE AND B.L.M. STATE DIRECTOR MONTANA - ACEC 60 DAY COMMENT PERIOD - BY MONTANAN'S AS U.S. CITIZEN'S !! - SAID DEPOSITING 47 FR 33954 - AND TITLE II MONTANA (CRISSCROSS RIVER) "RIVER AREA" BOUNDARIES, RIVER AND "RIVER AREA" CLASSIFICATIONS, AND A TIMELY PLAN(S) PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF SEC 3(b) OF PUBLIC LAW 90-542 - (IN CENTRAL MONTANA)

THIS IS ONE MONTANAN'S - READING OF THE ONLY PROTECTIONS - PROVIDED ANY ONE OUTSIDE THE FEDERAL AGENCIES ACTION'S WITHOUT THEIR TOTAL COMPLIANCE

46RR

IX

MUST HAVE B.L.M.'S ACCURATE MAP'S OR DESCRIPTION'S OF EVERY ACRE OF FEDERAL PUBLIC LAND - AS "ENTITLEMENT ACRES" - HANDLED BY THE U.S.D.I, B.L.M. WITHIN MONTANA —

REASON IS SIMPLE: HAVING THE SUPERVISION AND CONTROL OF SCHOOLS IN EACH MONTANA SCHOOL DISTRICT —
A "BALANCED BUDGET" SHALL NOT EXCEED ANTICIPATED REVENUE - WITH THE KNOWLEDGE THAT P.I.L.T'S PROGRAM DOLLAR'S - AND/OR REFUGE REVENUE SHARING DOLLARS [ALSO U.S.D.I.] ETC. UNDER FEDERAL LAW ARE TO BECOME IN PART - ANTICIPATED AND THEN ACTUAL REVENUE'S TO BE UNDER THE SUPERVISION AND CONTROL OF SAID TRUSTEE'S. —

SINCE THIS IS THE FOUNDATION OF ALL TAX REVENUE'S IN MONTANA — THEN THE GOVERNOR MUST REQUEST VIA 1610.3-2 OF 43 CFR - THAT ALL FEDERAL LAND'S BE INVENTORIED AND CLASSIFIED ON ACCURATE MAP'S AND DESCRIPTIONS WITHIN MONTANA AND UPDATED AS MANDATED BY LAW !! PRIOR TO BEING ~~ABLE~~ ABLE TO HAVE ANY MONTANAN'S TO MAKE PUBLIC WRITTEN

46TT

XI

BY MANDATES - AND REQUIREMENTS —

I DO NOT KNOW HOW TO ONLY BRING OUT THE IMPORTANT ISSUE'S WHICH REQUIRE <I THINK> COMMENTS BY MONTANA'S GOVERNOR - PRIOR TO AUGUST 29 1991 —

BUT I AM SURE THESE 11 PAGES CONTAIN A FEW - IF ONLY TIME CAN BE FOUND TO LOCATE THE FEDERAL LAW'S AND CFR'S — AND MATCH THEM WITH THESE ISSUE'S -

I WOULD LIKE TO HAVE KNOWLEDGE OF WHAT ECONOMIC [DOLLAR] VALUE THE STATE OF MONTANA - PLACE'S ON FEDERAL LAND'S WITHIN MONTANA — WITHOUT ANY ACCURATE MAP'S - AND/OR ACCURATE PREFFERENCE'S (AS IN NUMB) FOR FEDERAL PUBLIC LAND'S AND THEIR USES.... INCLUDING P.I.L.T.'S PROGRAM PAYMENTS — BY ENTITLEMENT ACRES" WHICH CAN NOT BE LOCATED BY COUNTY AND/OR COUNTY SCHOOL DISTRICTS FOR PROPER REDISTRIBUTION - THANKS - JOE TROM

JOE TROM, BOX 1061, LEWISTOWN MT. 59457-

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F. LEE ROBINSON
P.O. Box 6
MALTA, MONTANA 59538
Telephone 406-654-1234or 406-654-1544

Malta, Montana
August 21, 1991

B. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
Box 1160
Lewistown, Mt. 59457

Dear Sir:

I am requesting that you hold another Public hearing on the Judith Valley Phillips Resource Management Plan Environment Impact Statement. I attended the meeting in Malta on July 23, 1991 and I do not think that this could be considered a hearing since no sign-in sheet was taken and recorded for future reference. Also since those attending were split into 4 groups it was impossible to hear what was said by the BLM and Fish and Game personal. During part of the meeting it was said that you wanted to squire 652,718 acres in area but since you had only 188,021 to exchange you would not be able to squire more than 188,021 acres. Does this mean that you would not exchange land outside of the area for land in the area and that the maximum acres that you or the Fish and Wildlife would acquire would be 188,021 acres.

A-11 I do not feel that the total economic impact was addressed in the draft. I would appreciate it if you could send me detailed information as to how you arrived at your economic impact of the area. I realize that forcasting the economic impact on a area is difficult but I would like all the information that was acquired including what economic model you used in your forcast. It would be much appreciated if you could send me the above requested information as soon as possible and certainly prior to any future meetings.

Yours truly,

F. Lee Robinson
Box 6
Malta, Montana 59538

cc: Congressman Roc Marlanes

48A

I-15 3. Withdraw 25,000 acres in the Little Rocky Mountains from mineral entry and protect this unique and scenic mountain range by designating the area an ACEC.

T-7 4. Eliminate all designated motor vehicle routes through the Bitter Creek Wilderness Study Area.

I-17 5. Also designate Saddle Butte, Joiner Coulee, and Woody Island Coulee as Areas of Critical Environmental Concern because of their rare plant communities.

The Bureau of Land Management must manage these lands in a manner to protect and preserve, not destroy, these and other lands.

Sincerely,

Kathy and Tim Marcinko

48

807 South Tracy
Bozeman, MT 59715
August 18, 1991

B. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

We are greatly concerned about the future of the prairie land in northeastern Montana. This prairie region contains the Little Rocky Mountains, the Bitter Creek Wilderness Study Area, the Highline Prairie, and the Judith and Milk Rivers. We understand that the BLM is planning to encourage strip mining, oil and gas development, and uncontrolled off-road vehicle use in this scenic area. We strongly oppose this plan.

The Little Rocky Mountains are home to elk and bighorn sheep. These mountains also contain caves and Native American Spiritual Sites. Unfortunately, this unique and beautiful ecosystem is being destroyed by the Zortman and Landusky Mines. The BLM must reverse its plans and protect these mountains before they are systematically leveled.

The BLM acknowledges that the badlands along the Judith River are some of the most exceptional in the state. Rare and unique archeological resources including buffalo jump sites, petroglyphs, and tepee rings are found along the Milk River near Malta. Clearly, the BLM must also protect these natural features.

Canada has already recognized the importance of this area and has created the Canadian Grasslands National Park in order to help preserve this unique primitive natural area. The United States needs to preserve and protect the natural and historical features in this ecosystem.

We urge the BLM to take the following steps:

I-14 1. Designate the Highline Prairie an Area of Critical Environmental Concern (ACEC). Prohibit oil and gas development, off-road vehicle use, and military maneuvers in this area.

W-3 2. Recognize the outstanding natural and cultural values of the Milk and Judith Rivers and designate them as Wild and Scenic Rivers.

49

COMMENTS

DRAFT
JUDITH
VALLEY
PHILLIPS
RESOURCE MANAGEMENT PLAN

Mr. Ken Baird
13 Goldust
Casa Village
Billings, Mt. 59102

August 23, 1991

Again, as with the Chain Buttes Block Management Plan, I must express my grave concerns for the Resource Management Plan proposed for the Missouri Breaks. Again I see a large amount of road closures and denied access to public land.

This plan is not even being disguised as a Block Management Plan, where the Bureau of Land Management can say that the public can gain something for giving up something, gain access to private land for no access to public. I certainly can't go along.

C-8 In looking at the maps supplied by the BLM, I am astounded to see the many proposed road closures on the south side of the river and not a single one proposed for the north side. To the average sportsmen, I could only wonder why the BLM feels this to be necessary. We are told that perhaps the north side doesn't get the pressure the south side receives. I am certainly aware why the north side doesn't receive the pressure the south side does and here lies the problem, perhaps the only reason why this plan is proposed necessary at all.

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CONCLUSION:

Unless it is the large scale, long range plan, that all public land needs to be denied access to, then I must appose any and all road and access restriction on public land. When Federal and State lands become no longer accessible, then we the general public can now longer recreate. I plan to see that my children and their children have a place to recreate and I only feel that this is the first step in their loss to public land.

The Fish and Game started the ball rolling when they were allowed to permit(and are currently permitted to permit) the north side of the river. Where did they expect the denied sportsmen to go. They know the south side would get the overflow. You intend to restrict both sides of the river to access, and where do you expect the denied sportsmen to go. They will go some place with less restrictions and guess what will result; you bet, we will need to have another Management Plan.

C-5 As of this writing, I see no mention of game retrieval in this plan. As with the Chain Buttes Block Management Plan, a game retrieval plan is mandatory and only makes good since to see that "no" game is lost. The sportsmen are more than willing to help enforce their own ranks if given the chance and if they feel their efforts are well followed up to conviction.

Sportsmen involvement is more than critical in any of these plans, be they drafts or the end results. I certainly can attest to a certain amount of lack of willingness by the BLM to involve the concerns of the recreational public from around the state, many having a vital interest in the management of this area of the state. People from across the state use this area at various times of the year and these sportsmen "must" be a major involvement in the future of this and any proposed plan for public land!

51

Gen Lynn
Malta, MT

I am a concerned with what is going on recently with BLM policy. It appears the BLM is trying to help south Phillips County become a total wilderness. Hunting might be allowed which would be an obvious benefit to me, but what's more important is the immoral and irresponsible force individuals to leave "their" land. Why do I think this is happening? Recently, there was a public meeting in Malta concerning specific issues which would affect landowners of south Phillips County. There was talk of land acquisition by the BLM in the way of land swaps and purchase. I am thankful the US Government owns "some" land because people like myself can have a place to go, but there is enough US government land in the area now. Obviously as any government agency grows, so does the cost, and we all know where the money must come from. There was also H-11 talk of bringing the black footed ferret back. Will these areas be isolated from cattle? Don Hare's the designated road boss, and the way I see that issue, there aren't many roads planned for the area.

Sounds like wilderness. And then there is the proposed rate hike to graze on BLM land. I find this rate increase so ridiculous, it's almost funny. Well, it's not funny. In fact to me, it's sad and scary. If these things come to pass, most land users who are landowners in the area will be forced out. Somebody wants this done. Sure, the land owner has rights. That's why he still owns land today. If endangered species are reintroduced, the land users grazing acreage will be reduced. If designated roads are far and few between, it's easier to designate wilderness areas and then growing ADM's will be cut. Raising grazing fees have the obvious effect. And now we sit and wonder why the land owner himself is scared and worried. No one should have to go through this. Some of these land owners have had this land in their family and want to continue to pass it on. It almost looks like somewhere, somebody A-1 said "look at south Phillips County with all the public land?" My question to the BLM is, who is pushing for these changes? These people have names. Are these changes recommendations from the local office? I would appreciate some answers please. It is my right to know.

(Typed exactly as received for reproduction in the final RMP/EIS.)

50

Theresa Frye HC86, Box 6202
Malta, MT 59538 7-23-91

Why did you waste money telling us you (BLM) trade land, we know that. You say think farmer & rancher are stupid, but we don't need you telling us that.

The ferrets were found in Wyoming, they should stay there. They have a wild horse range between Matheson, Grayhull and Powell that is over grazed, by the way it is managed by the BLM, a good place to introduce the BLACK TAILED PRAIRIE DOG. Not one person lives in the horse range, nothing grows there, it already looks like a prairie dog town. BLM could sell 250 of the 300 head of horses, take the money earned, spend on capturing and transporting Blacktailed dogs into the horse range. If we managed like you (BLM) we would be history.

You (BLM) don't intend to pay any attention to what we say any way, so why put on a big show.

The BLM meeting in Malta was the biggest "joke" for a meeting We have ever been to.

Robert H. Frye
/s/ Robert H. Frye

(Typed exactly as received for reproduction in the final RMP/EIS.)

53

SIERRA CLUB
NORTHERN GREAT PLAINS REGION
COLUMBUS BUILDING
21 NORTH SCOTT, #25
SHERIDAN, WYOMING 82801
(307) 672-0625

September 5, 1991

B. Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

These are the comments of the Sierra Club regarding the Draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement (JVP RMP).

After reviewing the Draft Plan, the Sierra Club is appalled by some of the oversights made in the Draft JVP RMP.

This document violates many protective mandates the BLM has received from Congress. Preferred Alternative 2 by no means balances the demands of resource development with the protection of sensitive areas and resources. This JVP RMP blatantly contradicts the preservation and protection of resources in favor of development.

The Bureau of Land Management is mandated to protect and manage resources for the American public. The multiple use philosophy on these lands is often misunderstood by the BLM as every use for every acre. Professional land management dictates establishing specific areas for specific resources, instead of supporting conflicting uses on all land.

Due to the shifting values of the American public toward protection of public lands, we believe the BLM needs to take a strong role in resource protection. Recreational use, which is forecasted to increase in the years ahead, must be managed to protect and restore resource values to meet this need.

The following issues need to be amended within the Draft JVP RMP before the final document is released:

Areas of Critical Environmental Concern

The Sierra Club is extremely disappointed by the lack of effort in this plan to identify and manage deserving natural areas as ACECs.

"Not blind opposition to progress, but opposition to blind progress."

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Your proposed management of resources within Areas of Critical Environmental Concern in the JVP RMP is severely lacking. The BLM failed to provide credible management for these areas. Many of these sensitive areas are left open to mineral entry and sale, oil and gas development, unrestricted OHV use, and excessive grazing.

All of the ACECs proposed in the plan are to be designated for some sort of outstanding natural feature. However none of the these features that the BLM professes to protect in the ACECs are compatible with mineral entry or sale. Why then the BLM left many of these areas open to the possible development of hardrock or aggregate rock mining? The plan would permit mining activities within ACECs, failing to adequately protect natural resources within the ACECs as the BLM is mandated.

I-8

Among the areas in the plan left open to hard rock mining is the Acid Shale-Pine Forest which is proposed as an ACEC because of its rare slow growing ponderosa pine forest with a sparsing juniper/grass understory. How can this vegetative community be maintained if mineral entry is permitted? ACECs such as the Acid Shale-Pine Forest are important and rare natural areas that should receive more than a paper designation with no teeth. Real protection is needed. All ACECs should be closed to mineral entry and sale.

K-2

In addition, all ACECs should be off limits to oil and gas leasing. Oil and gas leasing in this plan hangers proper management in the Collar Ghuln, Asure Creek and Big Bend of the Milk River Areas, which have been designated for the welfare of the west slope cutthroat trout, the northern goshawk, bighornsheep, and outstanding cultural resources respectively. Lease stipulation within the Moonsein-Judith Mountains, Acid Shale-Pine Forest, and Square Butte ACECs also do not offer sufficient protection. These areas must all be off limits to oil and gas development in the plan to insure proper protection of the values which the BLM has already recognized by these designations.

The proposed action for leasing at Square Butte is particularly disturbing. Instead of providing greater protection in this plan, Square Butte suffers under diminishing protection. The Draft JVP RMP proposes loosening restrictions on oil and gas development in Square Butte Outstanding Natural Area ACEC by requiring a 1/4 mile "No Surface Occupancy" perimeter around the area. It currently has an "off limits" designation to oil and gas development. The BLM established these restrictions for a purpose and should not undermine its own management objectives.

L-3

The BLM has failed to provide proper protection to any of the ACECs in the plan. Each of these areas needs to be off limits to oil and gas leasing. This type of activity is just not compatible with the resources the BLM is trying to protect.

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One area we were extremely pleased to see designated an ACEC is the 7km Compler Black-footed ferret reintroduction area. We commend the BLM for its foresight. However, this area epitomizes how the BLM has only recognized areas as ACECs without providing real protection. Prairie dog shooting, unnecessary animal damage control, grazing and oil and gas development will destroy the success of the reintroduction effort, but are all permitted in the plan. Oil and gas leasing must be prohibited in the entire 12 mile core management area, because of the disturbances caused by exploration, development and production of oil and gas resources. Grazing within the 7km Complex should be allowed only if there is no negative impact on the ferrets. reintroduced ferrets managed for an endangered species, must recognize the needs of the species and not jeopardize those needs by activities that could infringe upon the recovery of the species.

The BLM has also failed to recognize numerous other deserving areas for ACEC designation. The BLM needs to consider and recommend the following areas in its final plan:

I-14

The Highline Prairie ACEC which includes the Bitter Creek WSA is one of the last and largest remaining sections of mixed grass prairie remaining in the United States. This proposed ACEC presents a rare opportunity to protect and present the historic and pre-contact cultural heritage as well as the wildlife of the region. Because of these unique qualities, the Sierra Club strongly urges the designation of the Bitter Creek WSA and its contiguous federal land to the Canadian Border as an Area of Critical Environmental Concern.

Canada has already recognized the importance of the Highline Prairie and has designated land immediately across the border as its Grasslands National Park. However, to the knowledge, BLM has ignored the importance of this unique ecosystem for Americans and encourages various destructive uses. The Highline Prairie ACEC should be exempt from oil and gas development, off road vehicle recreation and military maneuvers in order to insure the integrity of this pristine area.

I-15

The Sierra Club supports designating the unique and scenic mountain range of the Little Rocky Mountains as an ACEC. The dome covered elliptical dome of these mountains is an important wildlife habitat, home to elk and bighorn sheep. The Highline Rockies, is known for its caves and Native American spiritual sites. Asure Cave noted for its bat hibernamium and Saddle Butte famous for its unusual forest associations are both found in the Little Rocky Mountains.

I-15

The Little Rockies must also be withdrawn from mineral entry and oil and gas leasing. The spectacular beauty of the this area is rapidly being destroyed by the Zortman and Landusky Mines. The BLM is permitting the mines to systematically level much of the Little Rockies. Mining and exploration in Little Rocky Mountains should

53C

not be expanded. We regrest complete mineral withdrawals for sensitive and special areas located in the Little Rockies. The 25,000 acre withdrawal proposed supported by the Red Thunder Organization should be designated an ACEC and withdrawn from mineral entry.

Joiner Coulee needs to be made an ACEC. It contains possibly the best remaining prairie pothole wetlands in North-Central Montana. The loss of this pothole prairie wetland would be a travesty and thus needs to be protected as an ACEC.

Woody Island Coolee deserves to be managed as an ACEC because it is an excellent example of a globally rare community type; creeping juniper/little bluestem, which is the result of unique properties of soils formed from different strata of shale. The site has spectacular breaks in topography, is remotely situated, and generally of wilderness character.

Off-road Vehicles

Sierra Club's major concern regarding recreational use centers around the lack of off road vehicle (ORV) use restrictions which would protect the sensitive areas and natural features. The proposed restrictions are inadequate. Lack of ORV restrictions in the Draft JVP RMP represents irresponsible management. Almost all of the land in the three Resource Areas are left open to uncontrolled ORV use, which can be devastating to the natural environment. In order to protect the outstanding resources found on these BLM lands, much stricter controls on ORV use need to be implemented. Sierra Club supports ORV use only where it will not adversely the environment of the Resource Areas.

The Sierra Club requests that ORV use only be permitted on designated roads and trails in the Resource Areas. This allows better control over ORV abuse and prevents habitat destruction, erosion, water quality degradation, and scarring of the land.

C-12

All ACECs should be closed to unrestricted ORV use, because of the vegetative damage caused by such use. The JVP RMP contradicts itself in ORV management by stating "The use of 1,830,454 acres would harass wildlife and reduce the long-term productivity of wildlife associated with specific habitat types" (p. 212), yet claims that the preferred alternative balances demands of resource development with the protection of sensitive areas and resources.

C-1

In actuality, the Preferred Alternative leaves the entire Valley and Phillips Resource Areas open to ORVs. This equals a total of 1,830,454 acres unrestricted with only 3,565 acres closed. Yet, every time ORV use is assessed in the Draft JVP RMP, the results indicate negative impact on natural resources from unrestricted ORV use. Unrestricted destruction of resources, on public land, to appease ORV users is not acceptable management.

C-2

53D

T-7

Designated motor vehicle and ORV routes through the Bitter Creek Wilderness Study Area must be eliminated. This resource degradation violates the BLM mandate to protect WSAs and thereby compromises Congreesional prerogative for wilderness designation.

Among the most outrageous examples, the highly erosive areas along Frenchman Creek, Cottonwood Creek and Willow Creek remain open to ORV use which can only lead to vegetative and water quality degradation. At current trends, hunting use and ORV pressure continue, destruction of vegetation in these areas will be significant, as stated in the plan (p. 159). However, if ORV use was restricted, this trade-off would increase hunter walk-in opportunity due to less motorized vehicle violation.

Yearling, unrestricted ORV use on 69% of the land in the Proposed Alternative would have negative effects on wildlife throughout the resource areas. Wildlife habitat ie vital in more than the two ACECs proposed off limits to vehicular traffic, therefore more restricted use areas are needed to protect this resource. An intensive ORV trail use in the Valley By Way off-road vehicle and rallies already allows users opportunity for ORV experience and enjoyment. It is time to offer protective management for other multiple use demands such as hiking and wildlife forage use.

Recreation Management

Increased recreation opportunity, such as hunting, hiking, sightseeing, driving for pleasure, weekend excursions and picnicking are inherent elements of multiple use. Because of increasing hiking and mountain biking pressures, we believe more single track trails are needed outside proposed wilderness areas in the JVP Resource Area.

Current mining activity in the Little Rocky Mountains has already reduced the opportunities for hiking, camping and sightseeing. Additional mining in the Little Rockies at Camp Creek and Buffington recreation sites, as well as in the Judith Mountains would be even more devastating as stated on p. 194 of the Draft JVP RMP. The integrity of the area is quickly being degraded by noise and this curtails visitation and recreational use. The withdrawals must be maintained, in order to limit disturbance, noise and traffic and retain visitor opportunity.

Wild and Scenic River Corridors

The Milk and Judith Rivers are two of Montana's most important free flowing rivers and should be recommended for Wild and Scenic River designations. The Big Bend section of the Milk near Malta contains rare and unique archaeological resources including buffalo jump sites, petroglyphs and tepee rings. The BLM also acknowledges the

53E

badlands along the Judith River as some of the most exceptional in the state. These values warrant Wild and Scenic recommendations.

The BLM has failed, however, to find any of these rivers suitable for designation as a Wild and Scenic, which is a necessary step in protecting their outstanding values.

One of the reasons that Wild and Scenic River designation would be beneficial for the Big Send of the Milk River is that the federal government could better protect water quality in the designated stretch from the impacts of mining in the upper watershed. Sec. 7(a) of the Act would give the BLM additional powers to protect water quality. Some of the threats to the Milk River watershed include dust from open pit mining, coal pollution and increased total dissolved solids, nitrates and cyanide. This important watershed deserves protection.

The Musselshell River, Arrow Creek and Frenchman Creek, which also qualify for Wild and Scenic River designation must not be degraded by faulty management practices and oversights. Their inherent natural values are worthy of proper protection from activities contrary to Wild and Scenic values.

Livestock Grazing Management

Cattle often trample wetland areas and over-graze vegetation. Protecting wetland-riparian and vegetative cover must remain one of the most heavily prioritized for the BLM, therefore livestock grazing must be curtailed or better managed to properly maintain these areas.

The Sierra Club is concerned by the lack of recognition for grazing allotment improvements. Approximately 59% of the Resource Areas' allotments need improvements. This level needs to be much better addressed in the FEIS, and a strict timeline needs to be developed for bringing range condition to an acceptable level on all allotments.

Wildlife

It is BLM's responsibility not to jeopardize remaining wildlife habitats on our nation's public lands. Increased motorized access would reduce the habitat quality by disturbing, destroying, or segregating crucial wildlife habitat through the establishment of roads and parking places.

Increased ORV use and human presence causes short-term species movement, which cannot be sustained over the long-term presence of roads and continual human visitation. Only 3,587 acres of wildlife habitat is closed to vehicular traffic.

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Wildlife protection stipulations are not sufficient for bald eagle and farruginous hawk nesting sites. These sites must include a one mile buffer zone, prohibiting any kind of development.

Complete protection for 12,346 acres of prairie dog towns, with potential black footed ferret reintroduction habitat, must also be off limits to hardrock mining, oil and gas development, and ORV use.

S-4 The pelled sturgeon along the Missouri River is completely overlooked in the draft document. Piping plovers and interior least tern wetland protection is also not sufficiently covered in the document.

We expect a supplemental draft addressing these species, before a FEIS is issued.

Hard Rock Mining

The BLM has failed to provide a balanced approach to hardrock mining. In fact the agency is even proposing to drop the minuscule and inadequate protection to resources that currently exists in the resource areas. Revoking of mineral withdrawals at Judith Peak and Red Mountain Radar Sites, the Landusky Town Site, Landusky Recreation Site, Montana Gulch Campground and the Zortman Town Site is ludicrous. These withdrawals, no matter how inadequate, provide protection to some very important areas. Protection of the campgrounds and recreational sites is particularly important to providing a balanced approach to the various competing uses in the little Rockies. We could not find any discussion of the impacts to historical and cultural resources if the withdrawals are removed from the Landusky and Zortman Town Sites.

E-6

Oil and Gas Exploration and Development

Negative impacts of the magnitude proposed by the BLM in the JVP RMP by intrusion of oil and gas activities is completely unacceptable.

Oil and gas exploration and development is just one of many multiple uses. Lands with other resource values and uses that are incompatible with oil and gas development need to be protected and should be off-limits to oil and gas leasing.

BLM has discretionary no-lease authority to protect lands that have a fundamental conflict with oil and gas development. The Draft JVP RMP falls far short of meeting this objective. In reviewing the document, we discovered the BLM has neglected its moratorium agreement to forego leasing "on tracts with special wildlife stipulations". Instead, the BLM has chosen to lease important wildlife areas and only place stipulations on leases. These

D-4

53G

stipulation standards do not protect wildlife and the Sierra Club cannot accept this pattern of management.

The BLM has stated over and over again that it intends to conduct the environmental analysis for oil and gas leasing before leasing occurs within the Resource Management Plan it prepares. It is inconceivable that this document could permit leasing without thorough analysis of the potential impacts of oil and gas development.

The analysis of the effects of oil and gas leasing and subsequent development is totally inadequate

- The plan never addresses the consequences to the resource area of full-field development.

- The plan fails to examine the cumulative impacts that oil and gas development could have on the resource area.

D-5 - The plan does not include potential scenarios on what development is likely to occur if these lands are leased.

- The plan does not give any indication of what interest there is in the area for oil and gas development.

- The plan fails to examine impacts due to oil and gas development, from exploration through to development and production.

We also find serious fault with some important areas left open to oil and gas leasing. The following is a list of areas that the Sierra Club recommends off limits to oil and gas and mineral leasing:

- Rare, threatened or endangered species habitat

  Yet blocked or proposed habitat for bald eagles, peregrine falcons, interior least terns, and piping plovers and also sensitive areas for the farruginous hawk, pelled sturgeon and potential black-footed ferret re-introduction areas must not be jeopardized by oil and gas leasing.

- Crucial wildlife habitat

  Winter rangae, migration routes, and birthing areas are critical areas for elk, bighorn sheep, antelope, and deer must be off limits to leasing.

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- Raptor and migratory bird habitats

  A one mile no lease buffer zone must be established around all raptor feeding and nesting sites in order to insure that they remain in the area.

- Woody draws

  These are areas with an overstory of woody vegetation and an understory of grass and shrubs. These areas are very limited but are important for many game and nongame wildlife species.

- Potential Wild and Scenic River corridors

  In order to protect the integrity and the outstendingly remarkable qualities which make these river corridors eligible for Wild and Scenic River designation, leasing must be prohibited.

- Wetlands, ponds, streams, potholes and reservoirs;

  A one mile "no lease" buffer zone along all intermittent streams, wetlands, potholes, and reservoirs to protect riparian, lacustrian and other wetland vegetation as well as the recreational qualities within these areas.

- Steep slopes and fragile soils areas;

  These areas must be off limits to oil and gas leasing because of their highly erosive nature and the environmental damage that oil and gas development causes.

- Roadless areas and possible wilderness designations;

  All remaining roadless areas in the study area need to be off limits to oil and gas leasing. Few of these primitive areas remain on public lands, and should be protected as vestiges of what the Great Plains once resembled.

- Scenic areas and heavy-use recreation areas;

  A one-mile "no lease" buffer zone around these areas is critical to protecting their viewshade and recreational qualities.

- Recreational and historical trails;

  Any existing or proposed trails must have a "no lease" corridor established along them. This will protect recreational opportunities and the historic integrity of these trails.

53I

- Existing or proposed National Historical Sites, Native American sites and National Natural Landmarks;

- Potential or established Areas of Critical Environmental Concern

Air Quality

The potential hazard of air quality degradation from hydrogen sulfide pollution during oil and gas development is a real threat flora and fauna and must be avoided.

Visual Resource Management

T-9 We question why no areas have been given a Class I Visual Resource Management designation. Areas like the Little Rocky Mountains, Judith River, Square Butte, and the Highline Prairie obviously qualify, because of their spectacular ecological, topographical, and geological attributes.

We appreciate this opportunity to comment on the Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement. We hope that you will give serious consideration to the various changes we have recommended in our comments. We look forward to seeing the final plan.

Sincerely yours,

Rachel Kile

Rachel Kile
Research Intern

54A

Could you either send one or let me know where I can get one.

Thank you,

Stephen V. Mary mtk

54

Evans Route #54
Stanford, MT 59483
Aug. 29, 1991

Chuck Otte
BLM
Airport Road
Lewistown, MT 59457

Dear Mr. Otte:

If possible, could you send me a copy of the plan drafted by BLM addressing management of BLM lands in the Judith, Valley and Phillips resource areas. I am most interested in learning of proposed trail and trail regulations.

I may or may not comment upon the plan at a later date. However I will say this: If Hunting and Agriculture are two of the more important uses of these lands and should continue to be such, & If the guidelines for developing trail and trail regulations are similar to those used in developing the Chain Buttes Block Management Area, then this seems to be a reasonable and logical way of doing such. Some restrictions seem in order, yet excessive restriction would not be good.

I would also like to obtain a map of the Chain Buttes Block Management Area. (cont.)

55

August 29, 1991

Ronald Peterson
P.O. Box 1148
Bozeman, MT 59715

Re: RMP, Phillips

I am a current range conservationist with the BLM, Butte District. I have a BSc. in Range Management. Please:

I-14 I designate the Highline Prairie an ACEC, and prohibit oil and gas development, declare wildlife interaction, and wilderness values.

W-3 I designate the Milk, Judith, and Musselshell Rivers, as well as Arrow Creek and Timberman Creek, as suitable for W & S and Scenic River designation.

I-15 I designate the Little Rocky Mountains as a BLM ACEC.

T-7 I eliminate all motorized vehicle routes through the Arrow Creek Wilderness Study Area.

I-17 I designate Sacate prairie, beaver lodges, and wooden Indian lookout as ACECs.

Thanks,

Ronald Peterson

56

September 3, 1991

Box 804
Lewistown, Montana 59457

Mr. David Mari
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, Montana 59457

Subject: Judith Valley Phillips
Resource Management Plan
Environmental Impact Statement

Dear Mr. Mari,
After reviewing the Resource Management Plan and Environmental Impact Statement, I have three major concerns regarding my property.

1. Land Acquisition:

A-49 a. How is the BLM going to address the decrease in value of the adjacent non-acquired partials of land?

A-9 b. Will the BLM use the condemnation procedures on private lands of unwilling sellers? Will there be additional public hearings before the land is condemned?

A-50 c. Will monies used to buy land for the Resource Management Plan reduce monetary funds that would have been used for the National Park System?

A-51 d. Is there any possibility that the lands acquired under this management plan will be transferred to the Department of Energy to develop a hazardous waste site?

2. Land Access:

B-9 a. How does the BLM plan to control increased un-authorized traffic thru privately owned property resulting from people trying to use the increased BLM Management Area?

Z-12 b. Will the BLM be able to enforce the trespass statues?

3. Management of Game:

G-1 a. How does the BLM propose to control the elk, black footed ferrets, wolves, and other animals so that they will not cause damage to adjoining private crop lands? Currently, I am having a problem with a herd of elk that is straying from BLM land and destroying my crops and damaging my fences.

G-2

G-8

56A

Mr. David Mari
Page 2
September 3, 1991

G-13 b. Will there be an agreement between the BLM and the Montana Fish and Wildlife Department to control the wild game animals and protect the private lands?

H-45 c. What protection will there be for adjacent private land owners from the endangered species wandering off the BLM management area?

G-1 d. Will the BLM provide compensation for property damage caused by the straying wild animals that are a result of the Management Plan?

I have farmed in the Bear Springs community for forty-eight years and take pride in the property and the abundance of grain that it produces. In recent years there has been an increase in deer, antelope and elk which have caused considerable damage to the wheat and barley fields as well as damage to my fences. If your proposal for land acquisitions is adopted, I can see nothing but an increase in these and other unforseen problems. There have been no effective ways of controlling these animals from increased damage to crops. I foresee additional conflict and damages from increases BLM land acquisitions. To date, the BLM and the Fish and Wildlife department have responded slowly to animal damage complaints.

I am requesting a reply to these questions and concerns by October 1, 1991.

Yours truly,

Golda H. Leininger

Golda H. Leininger

Copy:
Manuel Lujan, Department of Interior
U. S. Senator Max Baucus
U. S. Senator Conrad Burns
U. S. Representative Pat Williams
U. S. Representative Ron Marlenee
Governor Stan Stephens
State Senator Bob Williams
State Representative Larry Grinde
State Representative Dick Knox
Attorney General, Marc Racicot
State Auditor, Andrea Bennett
Secretary of State, Mike Cooney
Superintendent of Public Instruction, Nancy Keenan
State Lands, Dennis Casey
Montana Director of BLM, Bob Lawton
Montana Assoc. Director of BLM, Francis Cherry

57

C.P. Coe
Star Rt. 36
Box 49
Havre, Mt. 59501

September 9, 1991

B. Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, Mt. 59457-1160

Re: Judith Valley Phillips Resource Management plan and Environmental Impact Meeting at National Guard Armory, Malta. July 23, 1991

Dear Mr. Miller:

In attending the meeting mentioned above, it was stated by Chris Erb, that introduction of the black footed ferret would in no way affect the numbers of cattle on the B.L.M. allotments and that they would remain the same. My concern is that when this species is introduced that the Endangered Species Act would shut down all activities in this area. Speakers at the meeting also said that sizes of the prairie dog towns would revert to 1987 sizes. They stated that they were going to maintain them at the size of the 1987 level. I am concerned that they will not be able to do this. I am concerned that you are going to let the dog towns get back to the areas that are on private land that the landowners have somewhat been able to control thus far.

H-12
H-1
H-4

I am in favor of no off road travel for hunters hunting in fragile areas. I do not belive that retrieval of game animals should be included in this. It seems to me that is discriminating against the hunter that is not physically able to travel easily or does not have horses at his disposal or is not affluent enough to afford to hire the retrevel of his game.

I am not in favor of increasing the elk herd in south Phillips County because of the detrimental impact on the ranchers in the area. I do not believe that they can confine the herd so as to not have an effect on the ranching business.

Sincerely,

Charles P. (Bing) Coe

58

Gene Miller
District Manager, Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457

Dear Mr Miller,

I am writing this letter in response to the draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement (MMPVEIS). I feel that many changes are needed in the document in order to maintain our way of life and the economic stability of our producers and our community.

This document contains numerous poorly explained statements and assumptions and is extremely hard to read and understand. I am concerned with many areas of the document including land acquisition and disposal, access to BLM land, off-road vehicles, riparian and wetland management of watersheds and prairie dogs and black-footed ferret management. I also do not understand many of the economic conclusions you have reached in your various alternatives. To conduct a proper review and do an ample job commenting on this document I feel I would have to write a 20 page letter. I do not have the time or the resources necessary to accomplish this.

Y-32 Because of these reasons, I would like to request a public hearing be held in the Malta area to discuss local concerns of this document with area landowners and members of the community. I feel that oral comments at this hearing should be recorded and carry as much emphasis as written comments. I also feel that the deadline of October 8 for receiving comments should be extended into December so that all affected parties will have time to respond to their personal concerns.

Sincerely,

Mike Long
Secret Phillips Landowners and Local Rancher

cc: Congressman Ron Marlenee

59

September 10, 1991.

Bureau of Land Management
Lewistown District Office
Lewistown, Montana 59457-1160

Attn. Mr. David Marx

Dear Mr. Marx:

I have received the copy of the Judith Valley Phillips Resources Plan and found it most comprehensive.

I have studied it but it is difficult to absorb its full meaning since we are so far removed from the issues, Montana and the property we own (See Encl.).

We have kept the property with the thought that our children or grandchildren might someday benefit from the potential oil or gas exploration in the area.

(According to Map 5 side A. it is in a "high potential" section).

However our property appears to be totally within the National Wild and Scenic River Corridor.

If we had the answers to the following questions we might be better able to make a decision as to the disposition of our property.

1. Is the property within the W.S.R. Corridor?
2. If it is does this mean it cannot be used for oil or gas exploration?
3. If it cannot be used for gas or oil exploration what can it be used for?

(1)

59A

9/10/91

Bureau of Land Management (Cont.)

Attn. Mr. David Marx

4. Since we are not interested in an exchange of land parcels, what are the alternatives?
5. Will you be distributing any of the meeting transcripts?
6. Do you have any information on the Winifred Bridge and its effect on the area?

I wish I could be more helpful with comments on the issues rather than questions which could have been answered had I been able to attend the meetings.

Very truly yours,

LAURIE P. ANGELILLI

LPA/jm

(2)

Attachments are available for review in the Lewistown District Office.

62

Atcheson Outfitting

JACK ATCHESON JR.

3210 Ottawa
Dept. Jr.
Butte, Montana 59701

Phone:
Day (406) 782-3498
Night (406) 494-5942

September 5, 1991

Bureau of Land Management
Airport Road
Lewistown, MT 59457

Gentlemen:

I have recently reviewed the EIS you sent me in regards to your resource area. I must say that it was well done, but there were a few things I am concerned about.

While there was a lot of attention placed on the social impact of hunting in the area and the effects of paid hunting in the area, little was mentioned about outfitters in the area and the economic impact that they have to the region. At a recent meeting with the CMPA, they tell me that 38 outfitters operate within the Refuge itself. How many more outfitters are operating within the BLM lands around it? I would expect a very significant number. T-3

I feel that a little more should be done to focus on the economic benefits of outfitting in these areas, the special use permits the outfitters use, and on developing a long term program that will protect the resource, basically limiting the number of outfitters in a given area. T-4

If I did miss all this information, please let me know where it is at so I can review it.

Yours truly,

John D. Atcheson

JDA:klr

Specializing in Montana Big Game and River Expeditions

63

VALLEY COUNTY CONSERVATION DISTRICT
98 HWY 2 EAST
GLASGOW, MT 59230
PHONE: 228-4324

September 12, 1991

B. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P. O. Box 1160
Lewistown, MT. 59457

Dear Mr. Miller:

Responding to the EIS of the Judith-Valley-Phillips Resource Management Plan. Our Conservation District has gone on record opposing any additional Prairie Dog and Black-Footed Ferret acreage in any of the Resource Areas of the Judith-Valley-Phillips counties.

We feel the prairie dogs and ferrets are a detriment to the rangeland resource by destroying the vegetation in and around their habitats.

We believe in a common sense approach to ensure the eco-system of our public rangelands by not degrading our rangelands and slam our economy.

Sincerely,

Dick Boke

Dick Boke, Chairman
Valley Co. Conservation District

64

MONTANA NATURE CONSERVANCY

September 16, 1991

The Nature Conservancy

David L. Mari, District Manager
BLM Lewistown District
P.O. Box 1160

Dear Mr. Mari:

Thank you for notifying us of your public hearings on the Judith/Valley/Phillips Draft RMP/EIS. I have a prior commitment and won't be able to attend the Lewistown meeting. However, the Nature Conservancy continues to be very interested in this document, as you can see from our longstanding involvement.

I just sent another comment letter on August 8, and apologize for addressing it to the wrong name. I'm having trouble tracking the changes in the Lewistown office! At any rate, the letter was basically a re-submission of a previous ACEC nomination, along with comments about including last minute ACEC nominations in this RMP.

Last week I was contacted by the EPA regarding pothole prairie wetlands, and at their request sent them a report we did in 1987 on glaciated pothole prairie in northern Montana east of the divide. They are developing a list of potential sites for research purposes. Though we have sent specific information on the Joiner Coulee Pothole Prairie site to the BLM, I could not remember providing the BLM with a copy of that '87 report. It discusses the Joiner Coulee site and provides some context about the status of this type of natural community. I thought it would be useful to send it now, in case you don't have a copy.

You do not have an easy position, as you try to deal with the many conflicting demands of a public land manager, and hammer out a plan that balances your many obligations. I do want you to know that the Nature Conservancy takes our national MOU with the BLM very seriously. We are committed to maintaining a supportive, collaborative, and non-adversarial relationship with the agency. I enjoyed working with Wayne Zinne and his staff during the information gathering stage of the planning process. I look forward to meeting you, and further building on a strong working relationship between our organizations.

Best Regards,

Joan Bird
Montana Protection Planner

cc: Dan Lechefsky, BLM Environmental Coordinator
Chris Erb, Phillips Resource Area Manager
Montana Natural Heritage Program

Attachments are available for review in the Lewistown District Office.

Big Sky Field Office ☐ Power Block West, 3rd Floor ☐ P.O. Box 758 ☐ Helena, MT 59624 ☐ (406) 443-0303 ☐ FAX (406) 443-8311

66

2822 3rd Ave. North
Suite 210
Billings, MT 59101
September 23, 1991

B. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller;

This letter is being written to protest the plan being drafted for northeastern Montana which would encourage strip mining, oil and gas development, and uncontrolled off-road vehicle use. The destruction of the environment for mere monetary gain now cannot be taking into account future generations nor the need in our complex society today for areas of peace and beauty.

I urge that the BLM incorporate the following protections into the plan now being drafted:

I-14 1. Designate the Highline Prairie an Area of Critical Environmental Concern (ACEC), and that oil and gas development, off road vehicle recreation, and military maneuvers be prohibited.

W-3 2. Find the Milk and Judith Rivers suitable for Wild and Scenic River designation because of their outstanding natural and cultural values & Designation of the Musselshell River, Arrow Creek, and Frenchman Creek as Wild and Scenic.

I-15 3. Withdraw 25,000 acres in the Little Rocky Mountains from mineral entry, and designate the area ACEC to protect this unique and scenic mountain range.

T-7 4. Eliminate all designated motor vehicle routes through the Bitter Creek Wilderness Study Area.

I-17 5. Designate Saddle Butte, Joiner Coulee, and Woody Island Coulee as Areas of Critical Environmental Concern because of their rare plant communities.

Please consider my input in the plan the BLM is drafting. Thank-you.

Sincerely,

Lee Cozzens

65

DRAFT

COMMENT FORM

Judith Valley Phillips

Resource Management Plan

(Please Print) Name	Address	Date
Steve Wichhorst	Terry MT 59349	July 31 91

I am against all oil division and for complete disposal since this is not possible keep these things for way the area BLM FREE by 93

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

67

711 Avenue B.
Apartment # 2
Billings, MT 59102
September 23, 1991

B. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller;

This letter is being written to protest the plan being drafted for northeastern Montana which would encourage strip mining, oil and gas development, and uncontrolled off-road vehicle use. The destruction of the environment for mere monetary gain now cannot be taking into account future generations nor the need in our complex society today for areas of peace and beauty.

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T-7 4. Eliminate all designated motor vehicle routes through the Bitter Creek Wilderness Study Area.

I-17 5. Designate Saddle Butte, Joiner Coulee, and Woody Island Coulee as Areas of Critical Environmental Concern because of their rare plant communities.

Please consider my input in the plan the BLM is drafting. Thank-you.

Sincerely,

Michael Peterson

68

1115 Olympic Ave
Edmonds, Washington 98020

23 September 1991

Dear Sir:
I am writing this in response to the letter I received from the Bureau of Land Management, Lewistown District Office, Lewistown, Montana.
I have been unable to attend any of your meetings but would like to express my feelings. I have newspaper clippings sent to me. I feel the town and communities are better served by keeping this property in private ownership. It provides money for the County General; Road Fund; State and General Schools; Local Schools and Soil Conservation. It is necessary to feed people as this land has been providing, as well as grazing land for cattle.
Please not my name is Katheryn A. McDowell not McDonald in the mailing address you sent me. Thanking you
Respectively,
/s/ Katheryn A. McDowell

I own the S. E. ¼ Sec. 33 Twnshp. 21 Range 19 in Fergus County.

(Typed exactly as received for reproduction in the final RMP/EIS.)

69A

to be the only alternative that provides comprehensive protection and the opportunity to truly realize the significance of the proposed Big Bend of Milk River ACEC. The greater area of nomination under Alternative D also allows for the protection and management of a broader range of cultural resource properties known or likely to exist in this area. This is desirable from both the Scientific Use and possible proposed Public Use management standpoint in that a better understanding of prehistoric occupation will be gained from curating and examining the range of site types in the area and not only focusing on the large sites like the Henry Smith Site and Beaucoup Site.

4. The proposals to acquire those portions of the Henry Smith and Beaucoup sites on private lands under Alternatives C, D, E would greatly enhance management of these important sites for all proposed uses and would constitute a significant positive improvement over the existing plan and Alternative B.

5. Proposed public access and interpretation of the Henry Smith Site under Alternatives C, D, and E can be a valuable addition to BLM's cultural resource program. Designating sites under Public Use, however, must be considered carefully and with the assurance that such use can be adequately structured so as not to lead to inadvertent damage of the resource. Coordinating public use with scientific, conservation, and possible sociocultural (Native American) values of the Henry Smith Site will also be important.

A-26 6. Referring to the Summary Table of Environmental Consequences (Table S.2), we are reluctant to agree that inventory of cultural resources for Land Acquisition and Disposal can be viewed as a positive impact. It is doubtful that the scientific information currently gathered during inventory is sufficient to offset loss of the resource, particularly loss of properties eligible for the National Register of Historic Places (NHRP). It is also our understanding that current BLM policy precludes a similar inventory of lands entering public ownership - hence, it would also not be possible to evaluate the relative degree of "loss" vs "gain" in cultural resource values. Finally, as we do not know how many or which cultural properties eligible for the NHRP could be disturbed by Oil and Gas Leasing and Development, it also does not seem possible to state that this will be a "minor negative impact". It seems that insufficient information is provided about how much development will be permitted and how many cultural resources are involved to make a determination of impact at this time.

D-6

7. In closing, I would like to provide a general observation. The ability to provide good management planning for cultural resources is closely linked to the amount and kind of information we have on those resources and the means to access that information. It would be true to say, I believe, that although considerable numbers of cultural resource properties have been and are being identified in the Judith, Valley, and Phillips Resource Areas, the effort needed to continually synthesize and direct this identification process for the purposes of learning about and managing these resources has been grossly underdeveloped in recent

69

State Historic Preservation Office
Montana Historical Society

Mailing Address: 225 N. Roberts • Helena, MT 59620-9990
Office Address: 102 Broadway • Helena, MT • (406) 444-7715

September 26, 1991

David L. Mari, District Manager
Lewistown District
Bureau of Land Management
Airport Road/P.O. Box 1160
Lewistown, Montana 59457-1160

Re: Judith Valley Phillips Resource Management Plan EIS

Dear Mr. Mari:

Thank you for requesting our comments on the above cited document. I have perused the entire document and examined in some detail those sections pertaining to cultural resources. At the same time, I understand that Cultural Resource Management Plans (CRMPs), tiered from the present plan for these Resource Areas, are forthcoming. I suspect that I will be able to offer more suggestions and recommendations from a historic preservation and management perspective when these become available.

With respect to the present document, however, I offer the following observations:

1. The preferred alternative (Alt E) appears to be an improvement in the management and preservation of cultural resources over the continuation of the existing plan (Alt A), but not as responsive to cultural resource concerns as Alternative D.

U-4 2. The EIS does not identify impacts from agricultural practices as a major issue of concern. Yet land disturbance from agricultural practices can have a major negative impact on cultural resource properties. Subsoiling or chisel plowing of previously undisturbed prairie in particular can result in the destruction of the typical kinds of surface or near-surface prehistoric sites found in the Resource Areas.

3. One of the most significant changes in cultural resource planning is the proposal to nominate a Big Bend of Milk River Area of Critical Environmental Concern (ACEC) for the protection of prehistoric properties under Alternatives C, D, and E. I fully support this nomination. It is not clear to me in the document, however, which of the alternatives provides the most protection of the ACEC from impacts of development, primarily land disturbance associated with subsoiling, mining, or oil and gas. If I understand correctly, No Surface Occupancy (NSO) is proposed under Alternatives C and D while mineral withdrawal is being proposed under Alternatives D and E. If this is the case, then Alternative D appears

69B

years. Models proposed in the mid-1980s have gone untested and have not been replaced with anything approaching a strategy for understanding cultural resources - only for avoiding them. I will hope that the forthcoming CRMPs for these areas will address (as the present document cannot) this need for not only an updated overview but also a plan for achieving something different and hopefully more progressive in the future.

Thank you for this opportunity to review your draft plan. I hope that my comments will be of interest to you in preparing a final draft and in selecting or revising your preferred alternative. I would be happy to discuss any of these comments with you or your cultural resource staff.

Sincerely,

Mark F. Baumier, Ph.D.
Deputy SHPO/Archaeologist

File: BLM/Lewistown-JVP RA Plan-EIS

BLM0924.EIS

70

montana wildlife federation

P.O. Box 6337
Bozeman, MT 59771-6337
(406) 587-1571

Conservation State Affiliate of the National Wildlife Federation

September 30, 1990

B Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
Box 1160
Lewistown MT 59457-1160

Subject: Judith Valley & Phillips County
Resource Management Plan Draft EIS

Dear Mr. Miller,

We request an extension of the public comment period for the above named draft EIS beyond October 2, 1991.

We recommend that you acquire into public ownership lands in Patroleum County and lands along the Musselshell River.

Thank you.

Sincerely,

Joe Gutkoski
Vice President

71

September 30, 1991

B. Gene Miller,
District Manager
Bureau Of Land Management
Lewiston District Office
P.O. Box 1160
Lewiston, MT. 59457

Dear Mr. Miller,

After making three trips to Zortman, Montana prairie dog hunting this year and more in previous years any curtailment of recreational shooting, I feel would be unsatisfactory to all interested parties.

It would have a decided impact on the local economy. I understand most businesses in the area run as high as 75% of their yearly gross from prairie dog hunters. I know I spend about $1000 per year in the area. There are a large number of hunters. I am sure they spend as much or more. There are more every year.

Because the Black Footed Ferret is a site feeder shooting one during the day would be very remote.

I heard some talk last week when I was in Zortman of poisoning. Now, this sure would do it. It would kill every thing that feeds on the prairie dog, including the Black Footed Ferret.

Sincerely yours,

Allen Allen

Allen Allen
1809 Blue Slide Road
Thompson Falls, MT. 59873

72

INTERNATIONAL VARMINT ASSOCIATION
2615 N. 4TH
SUITE 603
COEUR D'ALENE, ID 83814

September 30, 1991

Mr. B. Gene Miller, District Manager
BLM, Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Sir:

The International Varmint Association is an organization made up of citizens who frequently make use of public lands. Our membership is concerned with two primary areas of interest. First, recreational shooting, which in part includes hunting prairie dogs and second, conservation; we realize better than the average person that we enjoy a renewable resource if properly managed. Therefore, we support sensible wildlife and habitat conservation that insures these resources will be around for future generations to enjoy, as we do.

Concerning the draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement, it is our feeling that there is a need for clarification in the final draft where the Black-Footed Ferret (BFF) and Prairie Dog are concerned. Alternative E is by far

H-13 the best of the alternatives offered in the draft. While Alternative E appears to offer the best situation for recreational shooting, the language should be more specific, i.e. "prairie dog shooting will continue unless proven to be detrimental to the BFF, and then restrictions will only apply to release areas". It is imperative that the draft be as specific as possible, lets not leave it open to interpretation that would subvert the purpose of the document.

H-14 The other item that concerns us is the recommended designation of virtually all BLM lands in the Phillips Resource Area as ACEC. We believe this is an unnecessary step in the experimental raintroduction of the BFF. It has not been determined that the ferret can survive in the wild. This extra protection is unwarranted until it is proven necessary. Added administration will not insure the success of the BFF.

H-15 The final draft should also include a statement concerning the importance of recreational shooting as a management tool. On page 127 of the draft, last paragraph, you data states that shooting since 1985 has slowed prairie dog town expansion from 15% to 3% per year. Shooting is a selective tool which removes only the prairie dog, unlike poisons which offer many problems of their own. This is an important tool that should be utilized in the draft.

72A

Gene Miller
Page 2

Alternative E is by far the choice of the recreational shooter. It also appears to be the most realistic option in terms of conservation

With the above mentioned improvements Alternative E would be a good compromise.

Sincerely,

Fred Zeglen
Public Relations

FZ/jan

73

JUDITH,VALLEY,PHILLIPS
Resource Management Plan

ISSUE COMMENT FORM

DATE: 1-27-91
NAME: [illegible] ADDRESS: [illegible] PHONE: 538-7105

ACCESS:

I fail to see the necessity of any change the system you are now operating under. I sence that you(all) pressure from some groups to spread the power fed. and State Govern ment over not only the lands you control but over private lands as well. Your insidious approach to it lies from the fact that for a number of years the B.L.M. had no effective policy for managing hunting on their property leaving that up to the State Fish & Game to administer and their main concern was game regulation. Consequently hunters were permitted to drive all over the lands killing off grass bearing hills sides and making trails all over. The only regulating that was done was on the grazing permittee who were paying for their privilege.

We have tried to regulate hunting on our own lands and while not perfect we have made it work rather well. Most sportsmen are caring and concerned about the privilege granted them and do not destroy property willfully.

OFF ROAD VEHICLE USE:

We have a policy on our own lands, that all vehicles stay off property except designated trails. All hunting has to be on foot, if in the hunting of big game the is success-full he is permitted to use his vehicle to pick it up prefer able by ATV. If the hunter is crippled or invalided in some way he is permitted to hunt by vehicle here also ATV'S are preferred.

FORAGE ALLOCATIONS:

I have no problem with this. Allocation denotes management it seems to me that the only management that is being done is on the permittee. There is no management at all on big game. The Elk on the CPR have been permitted to spread and will soon be all over Eastern Montana on the not to distant future and will be wintering on private lands and summering on all.

PRAIRIE DOG MANAGEMENT:

One of the greatest service you could do for the land would be to limit towns to the CPR.

P. M. TEIGEN PRES.
TEIGEN LAND & LIVESTOCK CO.
GLASGOW, MONT. 59043
[illegible]

75

2 October, 1991

B. Gene Miller, District Manager
BLM Lewistown District Office
Box 1160
Lewistown, MT 59457-1160

Gene—

Please accept the following comments on the draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement.

Acid Shale-Pine Forest ACEC's

Don't skimp. Just because War Horse is a NWR does not mean that the BLM can protect merely some adjacent area and call it sufficient. Frankly, there is not a lot of acid shale-pine forest around (by the way, the BLM must include an analysis of exactly how much there is left compared with the minimal viable size for this ecosystem), so what precludes the BLM from protecting four little tracts instead of one (Chippewa Creek, Fords Creek, Briggs Coulee as well as War Horse)? These areas are not suitable for livestock grazing, so of what are you afraid? Put all four in ACEC designation.

K-4

Employment

If you can reasonably consider employment as a factor in your assessment of the RMP, you must necessarily also consider the by-products and consequences of human habitation as factors as well. You need to show what happens to garbage, sewage, exhaust, noise, fumes, odors, et al, and the resultant impact on the environment. If—and you say it is—employment figures are within the scope of the document, since the jobs are derived from exploitation of BLM lands, then the effects of having these jobs around must also be within the scope of the document. The BLM cannot merely dismiss the effects of human habitation as "negligible, because it is a sparsely populated region"; the BLM must also show data to document the effects of leasing BLM (public) lands to private interests.

X-4

Land Exchanges

The BLM must account for the potential and no doubt inevitable degradation of lands scheduled to be exchanged, and include this in a cumulative effects analysis of the region.

A-27

Cumulative Effects

74

September 30, 1991

Cy Jamison, Director of BLM
Department of Interior
18 and East Street, NW, Room 5660
Washington, D.C. 20240

RE: Judith Valley Phillips
Resource Management Plan
Environmental Impact Statement
Dated July, 1991 - Draft

Dear Mr. Jamison:

I, Joan K. McCormick, whose address is P.O. Box 896, Denver, Colorado 80201-0896 and whose daytime telephone number is (303) 623-2132, being duly sworn on my oath, state that upon review of the EIS mentioned above, I do not agree with the findings of the BLM. It is my opinion that none of these lands should be targeted for future BLM management, control or purchase.

As a land owner, employer and long time resident of Central Montana, I do not believe that the proposed plan will benefit the economy or ecology of the area in any way. The majorities of the areas proposed for BLM control or purchase have been privately owned since the lands were patented. During this period of time the ranchers have managed the wildlife and the natural resources very well along with producing a stable economy for the area.

The majority of the BLM employees that have been involved in writing this statement have not been residents of Montana for a long period of time and my feeling is that the plan is job related and not for the benefit of the Central Montana area.

I believe they have used this EIS with regard to environmental and hunting rights as an issue to target lands that have timber resources, mineral resources, and other natural resources for the BLM.

I consider this EIS an invasion of private property rights by the Federal Government. I want it abandoned and disregarded so that no future representations can come from this to any of the private land owners outlined in this plan. It's also my belief that these landsdpeak have an impact on our homes and ranches when they have no connection to the State of Montana, the lands involved or the people this will affect.

Further affiant saith not.

Joan K. McCormick

Subscribed and sworn to before me this 30th day of September, 1991.

Notary Public

My commission expires 6-25-1994

ACKNOWLEDGMENT

County of Denver
State of Colorado

Before me, the undersigned, a notary public in and for the county and state aforesaid, on this 30th day of September, 1991, personally appeared Joan K. McCormick, to me personally known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

75A

A-27

There is no cumulative effects analysis in this document. The BLM must recognize that not only do BLM activities in one area have an effect on BLM activities in adjacent areas, but in addition that private and other public landholders' management activities affect adjacent BLM lands, and the BLM must take this into account.

Wilderness Study Areas

I am sure that it is very nice that the BLM has decided that some WSAs do not merit Wilderness designation, but designation as Wilderness is beyond the power of the BLM. Just because the BLM cannot designate Wilderness does not mean that the BLM has the ability to remove areas from Wilderness consideration by lessing it for development. The US Congress and President are the people who will or will not designate the WSAs in the Planning Area as Wilderness, and the BLM should not carry out any management activities that would preclude Wilderness designation. I suggest that you preclude all development from WSAs until you are given a congressional mandate to maintain wilderness management (Wilderness designation) or lease it out to the rape and run crowd (no Wilderness designation). The BLM should not hindered or detract from the potential decision-making opportunities of Congress by allowing development in a WSA prior to congressional action. Ergo, no oil & gas developments in the WSAs, please.

T-6

Threatened & Endangered Species

It is interesting that you do not claim any T&E plants in the Planning Area, yet you have completed no surveys for same. This is putting the cart before the horse. Perhaps you should complete a thorough survey of plants before you enact this Plan. You are also obligated to conduct surveys for the numerous plant species that are in danger of becoming threatened or endangered thanks to BLM activities. Please consult with the Montana Natural Heritage Program for its listings of such plants in the area.

Q-2

You are obliged under ESA to provide habitat for T&E species. Bald Eagles, known to occur in the RMP Area, need unconaminated waterways. Perhaps if more of the waterways in the Planning Area were "functioning properly," eagles would re-inhabit more readily.

The grizzly bear is a historical inhabitant of the Planning Area, is listed as a threatened species by the US Government (of which the BLM, not incidentally, is a part), yet gains no mention in this document. Can you explain why?

S-4

The pallid sturgeon is listed as a T&E species. Can you guarantee that grazing management activities and subsequent

75B

S-4 erosion, water delivery schedule, and particulate load do not affect the sturgeon? There is no analysis in this document to show that the pallid sturgeon is not affected, yet it occurs in the Planning Area.

Livestock are known to have detrimental effects on neotropical songbird populations, yet this is not covered in this document. Please document the effects of cows and sheep on bird populations.

Cultural Considerations

T-5 Why hasn't the North Overland Trail or the Chief Joseph/Nez Perce Trail been documented by the BLM? What is stopping you from cataloging, documenting, and evaluating these trails? People are interested in the Nez Perce Trail. Most Americans, in fact, have heard of Chief Joseph. When will the BLM catch up? I myself have climbed to a big stone arrow on a relative high point, a relic of the Nez Perce passage. This is an opportunity to enhance recreation use.

T-5 The BLM is supposed to be into enhancing recreational opportunities, but you are turning your back on this one. Why?

Livestock/Wetlands/Riparian Zones

Livestock forage allocations are only compatible with riparian management objectives if your objective is to destroy the integrity of the riparian area. If you even hope to paint a façade of good riparian management, you must necessarily bar livestock from riparian areas. Perhaps you should either abandon all allotments, fencing off all riparian and hyperthetic zones, or hiring seasonal BLM riparian protection technicians to shoo away all the cows and sheep that come to hammer and plod in the riparian zones. Since you lose money on allotments anyway (why else would you not include a thorough economic analysis, including all externalities, in the Plan), why Y-23 bother to spend the extra money to do all the fencing and guarding when you could save the most money and protect the resource the most by just removing the livestock? It does not really make any sense to ruin the ecological integrity of riparian zones, via a pell mell plundering bovine inhabitation, when the BLM could save taxpayer money by not preparing and leasing the allotments at all.

F-15 By BLM estimate, 40% of the stream riparian miles are in less than proper functioning condition. Why is this so? The BLM does not attempt to ascertain in this document the cause of the degradation of this critical natural resource owned commonly by all citizens of the United States of America. In short, virtually half of all stream miles do not function properly. BLM management activities are complicit in this failure, and yet the BLM is unwilling to accept responsibility and is unwilling to address the cause of the

75C

degradation. Livestock degraded the streams, for the most part, so get the cows off if you are serious about rehabilitating the streams and riparian zones. There isn't even one mile of stream that doesn't need improvement (and this is according to your own lax standards).

Get the cows off.

Sincerely,

Timothy M. Bechtold
The Ecology Center
101 East Broadway #602
Missoula, MT 59802
406-728-5733

76

RECTOR & HICKEL
ATTORNEYS AT LAW
605 1ST AVENUE NORTH
P. O. BOX 1180
GLASGOW, MONTANA 59230

JAMES D. RECTOR
RICHARD M. HICKEL

TELEPHONE
(406) 228-4308

October 4, 1991

Mr. B. Gene Miller
District Manager, BLM
Lewistown District Office
P. O. Box 1160
Lewistown, MT 59457

RE: Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement

Dear Mr. Miller:

I would like to comment on the RMP and particularly the Off Road Vehicle portion of the plan (ORV). I am a member of the Valley County Sportsmen Club and as such I have participated in several discussions concerning the Off Road Vehicle Plan. At the time of our discussion I was the Chairman of the Big Game Committee, which was responsible for putting together a consensus of our club's input on the RMP. Our input, after several debates, public meetings, both with the Big Game Committee and the Habitat Committee, was utilized in the CRMP Committee that you organized for comment on these issues. Also included in both the Valley County Sportsman Club debate and in the CRMP Committee was the Montana Department of Fish Wildlife (MDFWP).

C-5 The recommended alternative by the Valley County Sportsmen Club was essentially the same Off Road Travel Plan that was endorsed by the CRMP and adopted by the BLM in your tentative draft. Basically we support the Off Road Vehicle Plan, with the exception that it include the option for big game retrieval. The primary reason that we insist on having big game retrieval within the plan is that within the area with restricted use, during the hunting season, we have a great deal of archery and rifle, elk and deer hunting. If it is early in the archery season those animals may very well be lost and go to waste if they are not removed in a prompt and timely manner. We felt as those it was an unnecessary restriction on the hunter to have to remove that animal by packing it out. We are at an area where outfitters are not readily available within that restricted off road vehicle area. There are some vast distances between points where a vehicle can legally be brought into the area.

This option was endorsed by the CRMP group and included in the tentative draft. Then unilaterally, without explanation, the BLM chose to remove the off game retrieval option from the Off Road Vehicle Plan. In attempting to determine exactly how that big game retrieval option was removed, we had conversations with the Valley County area manager, Mr. Terry Rueth, who indicated that essentially

76A

Mr. B. Gene Miller
October 4, 1991
Page Two

the decision was made in Lewistown to remove the game retrieval option. At the Phillips County public meeting, held October 1, 1991, the rational was given that it was unenforceable and the RDFWAP indicated that it probably needed to be removed from an enforcement perspective. With further pursuit on the issue, however, it was clear that the MDFWAP did not recommend that the game retrieval be removed as an option from the preferred alternative and it is my distinct feeling that the Bureau of Land Management, Management Team was utilizing MFWP as a smoke screen to cover a unilateral decision that was made contrary to the public input process. We have participated in good faith through this entire progress, we have gone through the process to gather public input from our group. That public input was then place into the proper channels through the CRMP Committee. It appears as though the area management chose to unilaterally disregard that public input and accepted, as the preferred alternative in the draft plan, an option that looks very similar to, if not identical to, the preferred alternative that was circulated before the process even began.

My concern here is that the Bureau of Land Management, and all public agencies, should be responsive to the public input and if in fact there is significant disagreement concerning the issue, then they should exercise there best judgement and come up with the best alternative. In this case I believe the public input was quite clear and that the agency has clearly chosen to disregard the entire process and your constituency. Therefore, I would request that you reinsert the game retrieval from the Off Road Vehicle Plan, particularly as it relates to Valley County.

Sincerely,

JAMES D. RECTOR

JDR:to

cc: Mr. Ron Marlenee
Mr. Kate Erickson
Valley County Sportsmen President

77

October 1, 1991

B.G. Miller
Associate District Manager
Bureau of Land Management
Lewistown District Office
Lewistown, Montana 59457-1160

Dear Mr. Miller:

I am writing in response to the Judith Valley Phillips Resource Management Plan EIS. I disagreove of this EIS to establish Areas of Critical Environmental Concern (ACEC's) for the following reasons:

J-10 1. It is the responsibility of the BLM to manage public lands within its control. Creating Areas of Critical Environmental Concern will allow the agency to abdicate that authority. Lands should be managed on a site-specific basis without blanket prohibitions.

J-34 2. The criteria used to select the Lewistown Scenic ACEC is too subjective. This would withdraw about 4,600 acres from mineral entry simply because land disturbances can be seen from Lewistown. The Bureau of Land Management also has underestimated the economic loss to the community because it utilized data from 1987. However, since that time when $400,000 in mineral values were produce, C.R. Kendall has begun operations. In 1991 alone, the gross value of the mine's production will exceed $21 million. Withdrawing this area from mining is contrary to the BLM's own determination that economics is the first priority of Fergus County residents.

3. The Coller Gulch ACEC would be designated to protect cutthroat trout habitat. Cutthroat trout are not threatened or endangered in Montana or the Western United States and require no special protection. Economics of the area would be impacted by this designation.

4. Two ACEC's have been set aside to protect areas for the reintroduction of the black-footed ferret. The BLM acknowledges that barricade mining will be adversely affected by this action. Moreover, precious metals mining is occurring nearby and could be restricted by this designation.

78

United States Department of the Interior
FISH AND WILDLIFE SERVICE

IN REPLY REFER TO: FWE MAIL STOP 60120

MAILING ADDRESS: Post Office Box 25486 Denver Federal Center Denver, Colorado 80225

STREET LOCATION: 134 Union Blvd Lakewood, Colorado 80228

Memorandum

To: District Manager, Bureau of Land Management, P.O. Box 1160, Lewistown, Montana 59457-1160

From: Assistant Regional Director, Fish and Wildlife Enhancement, Region 6

Subject: Draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement (EC 91/77)

The Fish and Wildlife Service reviewed the subject Resource Management Plan and Environmental Impact Statement. Of the nine planning issues addressed in the document, Riparian and Wetland Management of Watersheds, Elk and Bighorn Sheep Habitat Management, and Prairie Dogs and Black-footed Ferret Management are of particular interest to the Service. Alternative E (Preferred Alternative) provides reasonable guidance for management and habitat improvement for these important fish and wildlife resources in the planning area and is supported by the Service.

Guidance contained in Alternative E for management of prairie dog resources is consistent with habitat needs for the Service and Montana Department of Fish, Wildlife and Parks (Department) black-footed ferret reintroduction proposal for north-central Montana. The proposed allocation and maintenance of 12,360 acres of prairie dog habitat for black-footed ferret reintroduction and associate species management (mountain plover, burrowing owl, and ferruginous hawk) are essential components of the reintroduction proposal. Of particular importance is the Bureau of Land Management's (Bureau) proposed management commitment to cooperate with the Service and Department in helping to maintain the 1988 prairie dog habitat base by assisting in compensating for habitat losses that may occur on private lands. Other proposed management measures for power lines, oil and gas development, animal damage control, recreational activities, livestock grazing, predator management, and public education are consistent with ferret reintroduction program needs and are supported by the Service.

The Service notes the Bureau's preference for initial black-footed ferret releases on habitat within Charles M. Russell National Wildlife Refuge with subsequent releases on Bureau lands. The Service believes that decisions regarding the initial release sites should be based on the biological needs of the ferret and the condition of the habitats available at the time of release

77A

F-16 5. About 3,500 miles of river is being studied for wetland and/or reparian management. The criteria for targeting these areas for special management is unclear, particularly in light of President Bush's new guidelines for managing wetlands.

How many families must be displaced from Montana to find employment in other states? How much federal representation must be sacrificed before economic considerations are given equal ranking with preservation? The Judith Valley Phillips Resource Management Plan EIS is a non-viable alternative for the 5 reasons listed above and should be eliminated from further study.

Sincerely,

Mark D. Jasumback

Concerned Citizen
4289 Falcon St.
West Valley City, UT 84120-5364

MDJ:hdc

78A

rather than the administration of land within the reintroduction area. If black-footed ferrets are to be given the best opportunity for survival in the wild, the population dynamics within prairie dog colonies (plague in the Meeteetse colonies) and/or the occurrence of distemper should be the critical factors used in selection of release sites.

H-16 The Bureau requested reviewers to address and comment on "needs for clarification" in the document. One area the Service believes is misleading and needs clarification is the use of the grazing term "ecological condition" in the "Summary of Alternative" section for comparing alternatives for prairie dog and black-footed ferret management (page XIV). The Service recognizes this term is used to compare the present vegetative status to the potential plant community for the site. This comparison, however, does not reflect the overall condition of the prairie ecosystem. Prairie dog colonies are important habitats. Over 140 species of wildlife have been identified as being associated with prairie dog towns. Using a term that does not recognize this biological diversity provides the public with a distorted view of the importance of the prairie dog in the prairie ecosystem. The Service recommends this deficiency be corrected in the final document.

S-5 The Service also recommends that the Bureau complete its Section 7 compliance under the Endangered Species Act and include the biological assessment and other pertinent documents in the final Environmental Impact Statement. In that regard, the Bureau should be aware the Service received a petition dated June 1, 1991, to list the ferruginous hawk as endangered. The Service is now determining whether a petition action for this species may be warranted. If the petition has merit, the Service would have 1 year from the date of petition to determine if a finding for listing is warranted.

Questions regarding these comments should be addressed to Dennis Christopherson, Fish and Wildlife Enhancement, 1301 16th Street West, Suite 230, Billings, Montana 59102; the telephone number is FTS 585-6750

ROBERT D. JACOBSEN

79

October 4 1991

B.G.Miller
Associate District Manager, Bureau of Land Management
Lewistown, MT 59457-1160

Dear Mr. Miller,

I am writing in regards to the A C E C, where mining is concerned.
My family and I are very much against what BLM is wanting to do.
God put everything on land in this earth for us to use. Not abuse. I am sure
that some companies abuse the land, but Kendall is not one of them. They are
very much complying with the reclamation laws.
The economics of the Lewistown area would be devastating if it were'nt
J-1 for mining.
Many beautiful mountains and countryside has already been scarred by the
building of cities, resorts, homes, lodges, etc. Why is mining so different?
I think things should be left the way they are now. The reclamation laws
are great as they are.
Thank you for listening. Please take another look at this matter and whats
going on around us.

Sincerely,
Rosa Romero
926 W 5th
Lewistown, MT 59457

81

S..lwater PGM Resou..es
A Chevron, Merrville Partnership
P.O. Box 798 (406) 932-4645
118 West First Avenue
Big Timber, Montana 59011

October 2, 1991

B.G. Miller
Associate District Manager
Bureau Of Land Management
Lewistown District Office
Lewistown, MT. 59457-1160

Re: Judith Valley Phillips Resource Management Plan EIS

Dear Mr. Miller:

I am writing this letter to express my concerns regarding the Judith Valley EIS. Specifically, I have great concern over the designation of "Areas Of Critical Environmental Concerns" (ACECs) in the EIS and the potential for this precedent-setting action to radically change future land use planning not only within this geographic area but also throughout the western United States. Instead of making a decision to set aside ACECs, it would be more appropriate to utilize the management EIS as a disclosure document as NEPA intended and allow future decisions and impact analysis to be made upon completion of separate NEPA reviews. This would result in better agency decisions since the impact analysis would be based upon development activities which were better defined and site-specific in nature. By not designating ACECs the agencies realize a wider range of latitude in addressing, managing, and mitigating future impacts while complying with all applicable environmental regulations.

Additionally, I believe the document can be strengthened by giving more thought to long term socio-economic impacts and future
J-35 resource-based activities. For example, it appears from information I have been provided that the economic loss to the area may significantly exceed the estimates utilized in the EIS analysis. In light of this it may be prudent for the BLM to reassess the socio-economic impacts of designating ACECs. This also points out the problems in designating ACECs before detailed plans have been received and their site-specific impacts analyzed.

In conclusion, I believe that designating ACEC's not only restricts the range of latitude open to the agency and severely reduces its ability to explore creative options and mitigation, but also abdicates the agency's responsibility to manage public lands under its control. The result of such a precedent-setting action may well be to invite additional appeals and legal challenges which serve little or no constructive purpose and which tend to fragment

80

Oct. 6, 1991
sunny! Moose in river!
great fall day!

Mr. B. G. Miller;

Regarding your E.I.S. Statement which would allow 4,600 acres of mining
J-10 lands and potential land of value to our nation to be withdrawn with the only reasoning being the fact of being seen during mine life from Lewistown and not accepting the real future of reclamation for within 100 to 500 years this land will be one of beauty that will surpass original lands before mining.

Please bear in mind this high tech reclamation way of the future is where we all must place our efforts and political site, whether or not we are in agreement on a time schedule. Our individual lives are only a blip against the time needed to let each projects reclamation become totally realized. All of the efforts of anti-mining and logging will push our society quickly into a European type mis-mark being realized from identical ideology that is the continued suppression of a successful society in all of the Soviet Union.

This would eliminate your job and we do need fine B.L.M. folks and hopefully always will.

Sincerely,

/s/ Roy D. Engfors

(Typed exactly as received for reproduction in the final RMP/EIS.)

81A

the intended purpose and goals of NEPA as well as undermining public confidence in the process.

Thank you for this opportunity to comment.

Sincerely,

Bruce Gilbert
Environmental/Permitting Supervisor

82

September 20, 1991

1420 22nd Avenue South
Moorhead, Mn 56560

Mr. David Mari
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, Montana 59457

Subject: Judith Valley Phillips
Resource Management Plan
Environmental Impact Statement

Dear Mr. Mari,

In 1912, my grandparents, William and Louise Leininger, homesteaded in the Bear Springs community of Fergus County, Montana. 79 years later their descendants still take pride in owning this farm land which produces plentiful crops. It is quite disturbing to read that the BLM is considering condemning this land and/or offering to buy it for increased wildlife herds and recreational purposes. With the increased hungry of peoples in the third world, I would think that our top priority as a nation would be to produce more grains and meat to help supply countries in need.

There appears to be a general movement in the Midwest and western states to try and take land and rights away from the rural people. For instance:

1. The proposed BLM land acquisition.

2. Preventing farmers and ranchers from grazing cattle and sheep on public lands which they have rented for years or proposing incredibly high increases in the rental fees which the farmers and ranchers can't afford to pay.

3. The movement to prevent ditches from being mowed in North Dakota so that wildlife may flourish but with little thought to the dangers of animals bounding unseen onto the roads due to high grass. This also contributes to a loss of hay and forage to farmers and ranchers as well as roads drifted shut in the winter.

82B

Mr. David Mari
Page 2
September 20, 1991

H-45 c. What protection will there be for adjacent private land owners from straying endangered species wandering off the BLM management area?

G-1 d. Will the BLM provide compensation for property damage caused by the straying wild animals that are a result of the Management Plan?

I am requesting a reply to these questions and concerns by October 10, 1991.

Yours truly,

Eileen L. Hastad

Copy:
Mr. Manuel Lujan, Department of Interior
Mr. Edward Madigan, Department of Agriculture
U. S. Senator Max Baucus
U. S. Senator Conrad Burns
U. S. Senator Dave Durenberger
U. S. Senator Paul Wellstone
U. S. Senator Quentin Burdick
U. S. Senator Kent Conrad
U. S. Senator Robert Dole
U. S. Representative Pat Williams
U. S. Representative Ron Marlenee
U. S. Representative Collin Peterson
U. S. Representative Byron Dorgan
Governor Stan Stephens
State Senator Bob Williams
State Representative Larry Grinde
State Representative Dick Knox
Attorney General, Marc Racicot
State Auditor, Andrea Bennett
Secretary of State, Mike Cooney
Superintendent of Public Instruction, Nancy Keenan
State Lands, Dennis Casey
Montana Director of BLM, Bob Lowton
Montana Assoc. Director of BLM, Francis Cherry
Mr. K. Kool, Montana Fish and Wildlife Dept.
Mr.Kabb Brown, Lewistown Chamber of Commerce

82A

Mr. David Mari
Page 2
September 20, 1991

It appears that many government agencies and individuals are becoming greedy and that they cannot control the land and the animals already on public lands. It has also been stated that the privately owned lands and public lands rented from government agencies are in better shape and are better managed than the National and State Parks and Recreational areas.

Because of these concerns and specifically the concern about the BLM acquisition, I would like to ask you the following questions;

After reviewing the Resource Management Plan and Environmental Impact Statement, I have three major concerns regarding my property.

1. Land Acquisition:

A-49 a. How is the BLM going to address the decrease in value of the adjacent non-acquired parcels of land?

A-9 b. Will the BLM use the condemnation procedures on private lands of unwilling sellers? Will there be additional public hearings before the land is condemned?

A-50 c. Will monies used to buy land for the Resource Management Plan reduce monetary funds that would have been used for the National Park System?

A-51 d. Is there any possibility that the lands acquired under this management plan will be transferred to the Department of Energy to develop a hazardous waste site?

2. Land Access:

B-9 a. How does the BLM plan to control increased un-authorized traffic thru privately owned property resulting from people trying to use the increased BLM Management Area?

Z-12 b. Will the BLM be able to enforce the trespass statues?

3. Management of Game:

G-1 a. How does the BLM propose to control the elk, black footed
G-2 ferrets, wolves, and other animals so that they will not
G-8 cause damage to adjoining private crop lands? Currently, I
G-13 am having a problem with a herd of elk that is straying from BLM land and destroying my crops and damaging my fences.

b. Will there be an agreement between the BLM and the Montana Fish and Wildlife Department to control the wild game animals and protect the private lands?

84

OCTOBER 7, 1991

DEAR MR. MILLER,

I AM WRITING TO VOICE DISAPPROVAL OF THE FERGUS, AND PHILLIPS COUNTIES AGREE "JUDITH VALLEY PHILLIPS RESOURCE MANAGEMENT PLAN EIS."

I AM ESPECIALLY APPALLED BY THE CONCEPT OF STOPPING MULTIPLE-USE DEVELOPMENT SIMPLY BECAUSE IT CAN BE SEEN FROM A POPULATION CENTER. WHAT NEXT, STOPPING DEVELOPMENT BECAUSE IT MIGHT BE SEEN ON TELEVISION??

THANK YOU,

DANA BAUER
2860 HOULTON
BUTTE, MT
59701

RECEIVED
OCT 17 1991
LEWISTOWN, MT
DISTRICT OFFICE

85

87

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
[illegible]	[illegible]	9-30-91

Land acquisition - Stick to willing participants
Future land policies as to help purchase. The Government owns enough land
Timber sales in your report. Must have cost and money
good control of your department. Must make it pay for itself
Fish introduction of them & more money would be taken in
In - Hunters have caused Thing going now & create
land owners allow hunting which would create
when They are stamped on as a old Turkey money income
Also if less cattle There would be less Turkey and
less money this there spend - Also private lands
feed The game some in summer and help in
winter Facts show That where cattle graze
The game has improved or keep land has
improved
Law says that local economy is the vital
issue and none of this would help our local

Please return to: BUREAU of LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

86

John R. Swanson
3400 Edmund Blvd.
Minneapolis, MN 55406

October 2, 1991

Bureau of Land Management
PO Box 1160
Lewistown, Montana 59457

Dear Sirs;

Please accept my following comments concerning the Judith Valley Phillips Resource Management Plan Environmental Impact Statement.
The Judith, Valley, and Phillip's Resource areas contain outstanding wilderness, wildlife, biological, and scenic resources of certain National significance. As such natural attributes fully serve plant and all life with the following areas and areas to be dedicated as Wilderness, and preserved as examples, only:

Square Butte	2,400
Bitter Creek	76,000
Antelope Creek	17,000
Burns Ledge	18,000
Stafford	6,100
Kirvin Ridge	13,000
Cow Creek	41,000
Twin Coulee	7,400
Two Calk Creek	10,000
Dog Creek South	6,000
Woodhawk	12,000

Plus additional areas and area so as to secure a total of some 1,673,000 acres of wilderness located on the Judith, Valley, and Phillips Resource areas. BLM. Afford the Judith River National Wild and Scenic Rivers System dedication. Fully protect all biological species and their habitats including the Black-Footed Ferret, Prairie Dogs, Bald Eagle, Peregrine Falcon, Piping Plover, Ferruginous Hawk, Mountain Plover and Long-Billed curlew. Protect these areas biological diversity, and promote this ecosystems conservation and to establish these resources areas as National Natural Preserves, and with no surface-subsurface activity - developments.
With no disposal of any Public lands, acquire inholdings and other lands. Ban off-road vehicles. Ban all gas and hardrock mining activities.
Preserve all Riparian-wetland areas. And to oppose military activities in these areas.

Sincerely,

/s/ John R. Swanson

(Typed exactly as received for reproduction in the final RMP/EIS.)

89

Box 13-SR1
Saco, Mt. 59161
Oct. 1, 1991

B. Gene Miller
Dist. Manager - B.L.M.
Lewistown Dist - Office
Box 1160
Lewistown, Mt.
59457

Dear Mr. Miller;

I am attending the extra meeting this evening in Malta concerning the wetlands and riparian areas in Phillips County that the B.L.M. would like to acquire.

A-1
F-26

Various thoughts come to mind -1- why does the government wish to be in the land business directly competing with private individuals? 2. Why does the B.L.M. or any other government agency feel they are better able to handle and maintain wetlands and riparian areas or any other land for that matter when private individuals. Those of us in agriculture have long been aware of the need to conserve our resources - Land is not be reproduced - We make our living from the land so we take care of it and our water sources as well.

I don't believe it is in the best interest of our country to have the government being the "big landowner". We are still a free country where individual rights are suppose to be respected and maintained.

Sincerely,
/s/ Colgate Robinson
/s/ Irma Robinson

(Typed exactly as received for reproduction in the final RMP/EIS.)

90

AMERICAN COPPER & NICKEL COMPANY, INC.
USA Projects Headquarters
4460 Hoist Street, Suite 201
Wheat Ridge, Colorado 80033
303-425-1200 FAX 303-425-1314

October 9, 1991

B.G. Miller
Associate District Manager
Bureau of Land Management
Lewistown District Office
Lewistown, MT 59457-1160

Re: **Judith Valley Phillips Resource Management Plan EIS**

Dear Sirs,

Enclosed are five point which concern American Copper & Nickel Company, Inc. regarding the above mentioned plan.

If you have any questions or concerns, please do not hesitate to give me a call. My telephone number is (303) 425-1230.

Sincerely,

AMERICAN COPPER & NICKEL COMPANY, INC.

Joy K. Moseley
Senior Landman

JKM/mes

xc: File

91

COAST to COAST
America's TOTAL HARDWARE Store
Rose Enterprises
206 Second Street
DEER LODGE, Montana 59722
Phone: (406) 846-2461

TO
BG Miller
Associate District Manager
Lewistown Dist Office
Lewistown Mont. 59457-1160

Your Impact Statement on 3 million acres of Federal mineral rights in Judith Basin Fergus and Phillips Co. is completely out of line. This sounds like Beuess. We are a state not a park and people need to make a living in this state.
If you need to have a impact statement on a parcel of ground, but, not to withdraw millions of acres

/s/ Nelson H Rose
Box 823
Deer Lodge Mont

I belong to the coalition of western states

(Typed exactly as received for reproduction in the final RMP/EIS.)

90A

1. It is the responsibility of the BLM to manage public lands within its control. Creating Areas of Critical Environmental Concern will "tie the agency to abdicate that auth v. Lands should be managed on a site-specific basis without blanket prohibitions.

J-34 *2. The criteria used to select the Lewistown Scenic ACEC is too subjective. This would withdraw about 4,600 acres from mineral entry simply because land disturbances can be seen from Lewistown. The Bureau of Land Management also has underestimated the economic loss to the community because it utilized data from 1987. However, since that time when $400,000 in mineral values were produced, C.R. Kendall has begun operations. In 1991 alone, the gross value of the mine's production will exceed $21 million. Withdrawing this area from mining is contrary to the BLM's own determination that economics is the first priority of Fergus County residents.*

3. The Cotter Gulch ACEC would be designated to protect authorest trout habitat. Cuttbrest trout are not threatened or endangered in Montana or the Western United States and require no speciel protection. Economics of the area would be impacted by this designation.

4. Two ACEC's have been set aside to protect areas for the reintroduction of the blackfooted ferret. The BLM acknowledges that bentonite mining will be adversely effected by this action. Moreover, precious metals mining is occurring nearby and could be restricted by this designation.

F-16 *5. About 3,900 miles of river is being studied for wetland and/or riparian management. The criteria for targeting these areas for special management is unclear, particularly in light of President Bush's new guidelines for managing wetlands.*

92

119 N. 9th Ave.
Bozeman, MT 59715
October 1, 1991

Mr. B. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Sir:

Please accept and consider our comments and recommendations for changes in response to the Bureau of Land Management's management plan for Northeastern Montana.

The Bureau would open the Bitter Creek Wilderness Study Area to continuing damage by off-road motor vehicle use. We support the position denying all such usage and the elimination of any designated motor vehicle routes through this valuable area.

I-14 Rather than looking upon the Highline Prairie as the next area for politically-expedient land degradation, we must take the example of our northern neighbors and designate the Highline Prairie as an Area of Critical Environmental Concern, prohibiting oil and gas development, off-road vehicle recreation, and military maneuvers.

I-15 The present unsatisfactory policy of the BLM allowing the Zortman and Lindsaay Mines to level the Little Rocky Mountains and use cyanide leaching to extract gold must be discontinued. The BLM should withdraw at least 25,000 acres of the Little Rocky Mountains from mineral entry and designate this scenic and unique mountain range as an Area of Critical Environmental Concern.

Finally, the superior natural and cultural values of the Milk and Judith Rivers as well as the Musselshell River, Arrow and Frenchman Creeks make them deserving of designation as Wild and Scenic waterways.

All these above named uses for the lands of Northeastern Montana promise a more secure and longterm source of income for communities in the area with the inevitable increase in tourism. Short term extractive industries and the destructive use of all-terrain vehicles promise only to leave a bust economy in their wakes and the earth and the country poorer for political expediency.

Respectfully,

Richard & Dianna
Woitkowice

93

Dec 19, 1991

B.L.M. Stillwater Resource Area

Dear Sirs

In reply to your letter of June & Aug. 1991 on the Judith-Valley-Phillips Resources Plan. My land is not for sale, or trade.!!

If your B.L.M. should be implemented, it would be a death blow to agriculture, schools, businesses and county government!!

Sincerely

Mark Lieving

94A

The Collar gulch ACEC is unrealistic from several points. Mining, utilizing cyanidation, was conducted in Collar gulch near the turn of the century and it is highly unlikely that any pure 'native' trout survived the caraway surface disposal of tailings in the gulch. The stream is extremely small during dry years, only several tens of CFMs, and trout if they are actually present are probably quite small, while the stretch that maintains a year-round flow is less than three miles long. Cutthroat trout are not endangered or threatened and should require no special protection. The economic impact, again, is difficult to define, but based on the fact that Collar gulch is in the central part of a fairly productive gold belt extending from the Big Six mine in the south to the Linster Peak project in the north, it has the potential to be quite significant in the future.

Areas set aside for reintroduction of an endangered species should be chosen so as not to affect any current or future use of the land for any site-specific use such as mining. The potential range of the black-footed ferret certainly could be adjusted to prevent conflicts with bentonite, coal, gravel or other mining operations. You cannot zone for minerals. The gold deposit is located where you happen to find it and nowhere else.

Sincerely,

Greg Zeihen

Greg Zeihen

94

Gregory D. Zeihen
1311 West Washington St.
Lewistown, Montana 59457
September 29, 1991

B. G. Miller, Associate District Manager
Bureau of Land Management
Lewistown District Office
Lewistown, Montana 59457-1160

Dear Mr. Miller:

I wish to express my concern for a number of items contained in the recently completed Environmental Impact Statement affecting Judith Basin, Fergus, and Phillips counties. As a taxpayer and a resident of the state of Montana, I enjoy my view of the country and I enjoy living and working within the state. I intend to continue to live and work in the state as long as mining is a viable industry, but some of the proposals in the EIS will have a severely negative impact if allowed to stand.

Lands must be managed on a site-specific basis as much as possible. Areas of Critical Environmental Concern (ACEC's) appear to be just another vehicle to prevent mining simply based on the idea of a 'viewshed'. I would far rather see an open-pit mine out of my front window in Lewistown, than be looking at the yard next door in Helena, Billings, or Great Falls, because someone might be able to see a mine, by 'blanket' language implying restrictions on, or disallowing mining based on views should be eliminated altogether, and each property dealt with on an individual basis. The Lewistown Scenic ACEC should be abandoned entirely. This has the potential for literally stopping any mining activity based on one or two people who do not want to see "a big ugly pit".

J-34 Potential economic loss to a community is extremely difficult to predict when dealing with undiscovered or probable resources. Recent mining at Kendall has proven this, as the original 1987 data were drastically lower than the estimated returns from mining. Wilderness and environmentally sensitive areas must be protected, but the approach must not be too 'broad brush' and it must allow for access to areas of high mineral potential.

95

WINNETT STATE COOP GRAZING DISTRICT
Route 1 Box 104
Winnett, Montana 59087

October 8, 1991

Robert H. Lawton
State Director
Bureau of Land Management
PO Box 36800
Billings, MT 59107-6800

Dear Sir:

The Winnett State Grazing District wishes to go on record as opposing the Judith Valley-Phillips County Range Management Plan, a copy of which was recently sent to our district.

We feel we should continue to operate under the Missouri Breaks/EIS plan in the present manner and form.

Sincerely,

WINNETT STATE GRAZING DISTRICT
Torrer Silvesland-President

96

Oct. 8, 1991
Grass Range
Mt. 59032

Dear Mr Lawton,
It was a pleasure having you and your wife on our Tour.

I am writing you regarding the Judith Phillips R.M.P.
I feel that the proposed R.M.P, if enacted in its present form would severly impact many ranch operations. These operations are important to the local tax base and communities.

Wildlife numbers are increasing rapidly and grazing permits are being cut because of this.

The endangered species part of the R.M.P. needs to be more fully explored.

Another big

96A

concern with ranchers and we all feel very strongly that the rule of, "Not Ever" in Federal ownership of lands needs to be meant - Ever.

There are many other areas where the R.M.P. is flawed and we feel that the land should continue to be maintained under plan II.

Thanking you I remain,
Yours Truly,
Jack Hughes

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Office of the County Commissioners

Garfield County
Jordan, Montana 59337

DATE: October 21, 1991

TO: David Mari
District Manager BLM
P.O. Box 1160
Lewistown, NT 59457-1160

RE: Resource Management Plan, BLM
Draft, Environmental Impact Statement, July 1991

We do not agree with the findings of the BLM.

We request that the BLM remove all private and state owned lands from this EIS and evaluate the BLM lands only. It is our opinion that none of these lands should be targeted for future BLM Management, control or purchase.

We do not believe that the proposed plan would benefit the economy or ecology of the area in any way.

Therefore, we request an immediate rewrite of this document evaluating currently owned BLM lands only.

Thank you for your consideration in the matter.

Respectfully yours,

GARFIELD COUNTY COMMISSIONERS

Robert H. Phipps, Chairman

Lester D. Engdahl, Member

98

SCHELL, STEPHENS, RILEY & HUFFINE
CERTIFIED PUBLIC ACCOUNTANTS
202 Wenzlyn Building
LEWISTOWN, MONTANA 59457
Phone (406) 538-2152

Montana Society of C.P.A.'S
American Institute of C.P.A.'S

Marvin R. Stephens, CPA
Wayne C. Riley, CPA
Dale L. Huffine, CPA

October 22, 1991

United State Department of Interior
Bureau of Land Management
Lewistown District Office
Airport Road
P.O. Box 1160
Lewistown, MT 59457

RE: JVP 1616.08
Richard Wilson Estate

Dear Mr. Miller:

Please be advised that I wish to withdraw the Wilson Estate Lands from your acquisition plans.

Respectfully,

Fred P. Schell, P/R
Estate of Richard A. Wilson

99

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Vicki Olsen	HC 64 Box 8035 Malta, MT 59538	10-1-91

A-9 My first concern is acquisition . We are told WILLING traders. Will downshere be outright buying and condemnation? I think it should be put very plainly, we don't want the Government to become a larg er landowner. No Condemnation and no Buying. Our communities need the tax base in our counties. Nothing like th e Heritage Trust Act. We were here for generations and want to hand our land on down, not have it taken away from us. Very plainly, THE GOVERNMENT SHOULD NOT BE A LARGER LANDOWNER.

H-33 Secondly, there are to many mistakes in this book. Example--The Double O Ranch owning the Grimsley place. We have never had anything to do with it. And the M Cross ware isn't going to give it to us. Who got this information?

X-1 The economic projections seem way out of line and the person that figured them will not explain any of her figures or how to figure them. I think she made them up how she wanted it to look. An exaple is on the number of AUM's to be cut. A 29% de crease in grazing. On Alternative M page 174 out of AUM's 31,116, A-29 2,291 cattle. If you figure that it would have to all be 12 month BLM leases. Well, most all in our area are 6 month and a few 8 month leases, hardly any 12 month.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

P3 1

100

ZORTMAN MINING INC.

TESTIMONY ON
BUREAU OF LAND MANAGEMENT
JUDITH VALLEY PHILLIPS
RESOURCE MANAGEMENT PLAN
Malta, Montana
October 1, 1991

For the record, my name is Connie Cole. I work for Pegasus Gold Corporation. My comments tonight will only identify areas of concern we have with the draft Resource Management Plan; we will submit detailed written comments before the end of the comment period.

Our concerns with the draft management plan include:

1. We are concerned that the black footed ferret reintroduction program will be a significant negative impact to the economic well-being of the Resource Management Area and represents a poorly conceived commitment of resources. Management of agriculture) resources within the limitations required by the reintroduction program will be extremely difficult. We are concerned that mineral development activities may also be impaired because of proximity to ferret habitat.

J-34 2. The proposed management stipulations to protect visual resources under the preferred alternative would create significant economic impacts to the Lewistown area. The economic data utilized in the draft plan does not take into account the importance of mineral developments in that area. While we realize that minimizing impact to visual resources is a desirable goal of development planning, we are not aware of statutory provisions granting the BLM prescriptive rights to limit development to "protect" visual resources.

3. The format of the draft management plan has made it very difficult to analyze the potential impact to mineral development from the various alternative levels of land acquisition and disposal. Researching the legal land descriptions given in the plan has been very time consuming.

G-4 4. We strongly question the BLM's apparently unilateral decision to increase Bighorn sheep and elk habitat within the Resource area. The Montana Department of Fish, Wildlife and Parks has recently published a draft statewide elk management plan. The

P.O. Box 313 • Zortman, Montana 59546 • Telephone (406) 673-2202 • Fax (406) 673-2517
A wholly owned subsidiary of Pegasus Gold Corporation

99A

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Vicki Olsen		

A-29 So that figure is about half the number it should be. And if you take 5,000 cattle out of Phillips County our economy will feel it and yet the projection is for an increase in income of 1.9 million. My question is HOW?

Z-2 Also the maps that are important on roads is the OFF-ROAD VEHICLE MAPS. Well, by that map there are no roads south of Malta; not even a highway to Billings-- also no ranches or schools. This makes the whole area look like no one is there. I expect down the road someone in Congress to say, "Well, there is nothing there; let's make it all Wilderness." Was this on purpose or is someone really that sloppy at their j ob! These maps must all be corrected now.

In summary, the thing is full of mistakes and I think it was planned so that it will go through and down the road we will all be kicked off our land of 3 generations. We want NO LAND BUYING & NO CONDEMNATION!

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

P2 2

100A

Little Rocky Mountains are in the Missouri Breaks Elk Management Unit. Key portions of both summer and winter range are privately owned. Elk habitat north of the Missouri River is described as limited, due to lack of security cover. The Fish and Game elk management plan does not recommend increasing the elk population in this Elk Management Unit because of conflicts with agricultural use and the lack of security cover. During drought years, reports of game damage are numerous; both landowners and sportsmen have expressed concerns about crop depredation. And it would be extremely questionable to attempt to increase wildlife numbers without a cooperative agreement for wildlife management on Reservation lands.

N-4 5. The potential increase of withdrawn acres for the Azure Cave Area of Environmental Concern. We are not aware of any systematic investigation of bat populations in and around the Little Rockies which would support the contention that Azure Cave represents a critical bat hibernaculum of national significance. From our knowledge, the cave has been, period. We have no evidance that Azure Cave represents habitat essential for maintaining species diversity, one of the criteria necessary for establishing relevance within the ACEC evaluation process. Because of its importance to potential future mineral developments; Pegasus Gold Corporation strongly opposes the expansion of the existing Azure Cave ACEC acreage.

Y-16 In closing, it is obvious that a tremendous effort has gone into producing the draft Resource Management Plan; however, no indication is given of how the preferred alternative will be implemented. The BLM is being criticized for failing to manage its resources at current development levels. How is it proposed that resources will be managed effectively if you increase that management level?

Thank you for the opportunity to enter these remarks into the official record. Our detailed, written comments will follow.

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FEDERAL GOVERNMENT ACQUISITION OF ADDITIONAL LANDS

WHEREAS, the federal government is identifying private lands to purchase or trade so that the federal government can control riparian habitats, winter habitats, and access to federal lands; and

WHEREAS, this acquisition of land decreases privately owned lands and thereby affects the tax base and further takes control away from individuals and decreases and constrains private use of land.

NOW, THEREFORE , BE IT RESOLVED that the Montana Association of State Grazing Districts is opposed to any program or proposal seeking to increase government ownership of private lands and taking the same out of private ownership and use.

This testimony was presented by: Steve Barnard on October 1, 1991 at Malta, Villa Theatre and John Hughes on October 2, 1991 at Lewistown, Fergus High School.

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A-29 The preferred alternative states a reduction of 2591 cattle. This reduction will have a negative economic effect on, not only the ranchers themselves, but on the economies of the local towns. The BLM must realize the ranching industry is a constant and stable aspect of these counties. Any reduction of livestock AUM's or the removal of private land from production will only hurt the people who have managed both public and private lands and who have improved the condition of these rangelands according to the BLM.

Z-2 We also understand that the maps identifying lands are incorrect. This needs to be corrected.

A-9 It is stated that any acquisition will be on a willing party status. However, condemnation by the federal government has been used in the past. Will it be an alterative in this RMP for acquisition?

A-3 A-7 In regard to the private lands identified for acquisition, who identified the acreage and were the private landowners involved in the process? If not, this is a terrible abuse of private landowners and their private property rights. Were outside groups involved in lands being identified? And if so, who were they?

Management of BLM lands is very important. Many times we hear the concern raised by the BLM as to lack of manpower and finances to keep up with lands and programs presently operating. Acquiring more lands and developing more management options, which need more manpower and money, will not decrease this concern. It will only require more and more taxpayer dollars.

102

MY PRESENTED BY DEAN KIENENBERGER AT MALT, VILLA THEATRE, ON TUESDAY, OCTOBER 1, 1991

JUDITH VALLEY PHILLIPS RESOURCE MANAGEMENT PLAN

Montana Stockgrowers Association

Montana Public Lands Council

Montana Association of State Grazing District

COMMENTS

Issue #1: Land Acquisition and Disposal

This issue needs to be explained and presented more clearly in this RMP. Many of our members are concerned with the amount highly productive of private land identified that meets acquisition criteria versus marginal BLM acreage available for exchange. While it has been explained that the acquisition and disposal process will be between willing parties and the large amount of private acreage identified is due to the possibility of a lack of willing parties, there is concern over BLM's real objective in identifying such a large amount of acreage for possible acquisition.

A-11 We realize there is growing public interest in having the government own more land. However, BLM Director Cy Jamison has the policy of no net gain of federal lands. Any acquisition plan must comply with this policy.

We are very concerned with any proposal for more land acquisition for elk habitat when consideration should first be given to population management of wildlife. Even though the State of Montana is responsible for population control, very little has been done to address this problem. The BLM needs to sit down with the state and determine realistic population goals and habitat objectives. At the present time, the sky seems to be the limit.

102B

We are also concerned with ranching operations being disrupted if a party, who is in another part of a county or who is not the permittee, trades private land for BLM land within another ranchers allotment.

Issue #2: Access to BLM Land

The Bureau needs to monitor this proposal very closely. When more roads are established, there are more costs associated with management and maintenance. The BLM will need monetary resources which may lead to the possibility of taking funding from other projects.

Increased access could also lead to more weed spread, game displacement, and disturbance of other uses of the resource.

B-1 B-7 These questions should be asked: 1) are there other roads where access is already available, and 2) will additional access benefit the resource?

Issue #3: Off-road Vehicles

Off-road vehicle use, as well as access to BLM land, should be handled on a case-by-case, area-by-area basis. Meeting and working out a solution through communication and cooperation is the best way to settle these problems instead of a blanket policy.

Issue #7: Riparian and Wetland Management of Watersheds

We appreciate that livestock grazing will be used as a tool to meet the

102C

F-1 objectives of riparian and wetlands. We would caution, however, that the definition of wetlands has not been determined and is still being discussed among many agencies, organizations and people. The BLM and the livestock operator must work closely together when developing a management plan in the area.

In several places it is mentioned livestock forage allocations would be granted on newly sequired land if they are compatible with wetland management objectives. It has been documented that properly managed livestock can help manage the forage and we would encourage the use of livestock in these areas to help with wetland management.

F-20 We feel the BLM should closely look at the logic of excluding herbicides and prescribed fires in the wetlands complex. Some form of weed control will be needed, because weeds will eventually grow. When and if noxious weeds occur, the BLM should be required to control them as is everyone else in Montana.

Issue #8: Elk and Big Horn Sheep Management

As was stated previously, in regard to elk management, the first criteria should be population management of wildlife. It is premature to discuss habitat until population limits have been identified.

Issue #9: Prairie Dog and Black-Footed Ferret Management

Many questions need to be answered before we can even consider

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supporting this issue. Questions such as 1) funding, 2) the establishment of a non-essential, experimental population of ferret, 3) prairie dog control, 4) the assurance of private property rights protection, 5) the assurance of the continuation of livestock grazing, and 6) range improvements to provide for more forage to keep the livestock AUM's constant.

H-30 In addition, the law requires an economic and social analysis be completed when critical habitat is identified for a threatened and endangered species. To our knowledge, we do not know of such an analysis.

Issue #10: ACEC's, Areas of Critical Environmental Concern

It is our opinion the designation of these areas is the creation of defacto wilderness. In regard to the Azure Cave ACEC, if this area is advertised is there any assurance that what the BLM is trying to protect, i.e. bats, will not have so much public attention drawn to it the bats will be driven away? It appears that special interest groups have had an inordinate amount of input in identifying these ACEC's.

We would like to thank the BLM for this opportunity to comment.

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Comments on the Judith Valley Phillips Resource Management Plan

and Environmental Impact Statement (JVP)

by Jan Abrahamson
Box 296
Malta, MT 59538

September 1991

After attending the recent meeting in Malta, listening to all the comments, facts and rumors, reading the large JVP draft and the Five Alternatives included I am putting my comments down on paper to verify the many reasons I am AGAINST it.

From a wage earners standpoint do you think that this proposal if put into effect is going to guarantee everyones job here in the three affected counties? Especially Phillips, where I reside? For generations, the people have worked the land and the wildlife have managed to survive and reproduce in mass numbers. I don't see if you take all this land out of production where all these people will go, who will feed them all standing in the soup lines??? The tax base that will be lost from the agricultural point will be such a deficit to our local economy that many of the smaller towns which are struggling to hold on now will not survive. This includes MALTA that is my HOME!! This town has been and so has this entire COUNTY basically supported by agriculture. *In 1990 agricultural sales contributed nearly 2 Billion to our economy,* Jim Sands, Farrer Stockman, Oct. Issue 1991, so you can see it remains Montana's main industry!

In Phillips County, the Pegasus Mine is also a big plus to our current economy but as in the past so was American Colloid and Ruby Mine. Is (Pegasus) too will go the way class in the future and we are back to the FARMERS and RANCHERS again for the main economic support!

Lets get into the issues in the JVP draft. The study for this was done in the last three years and rainfall and snow has been almost non-existant for the past ten years which hasn't benefited the range lands at all. This study therefore can't be for long-term.

A-39 This draft also contradicts itself in so many places, its almost a JOKE! If this draft or study was only done recently (3 years) since 1988, why then on page 191 does it state that in the last 10 (Ten) years, five (5) sales have been completed to accomplish this plan. What happened to the 3 years this plan was worked on and the rough draft made!

103A

Of these 5 sales, three were at the D-Y Junction in Phillips County, two in Valley County at Hinsdale and Tiger Butte. Looks like its been in the planning much longer and is actually a land grab in disguise!

Y-1 I believe at the last meeting in Malta on this draft, we were told that this BOGUS DRAFT cost $80.00 a piece, where did they get the money, our taxpayers dollars from down following paid for them! And not only the rough draft, how much more will it cost to get a FINAL COPY! Why wake's this money not be better use like improving the so-called management that already exists, ie: built more reservoirs, ripped more range land, in benefits the wildlife as well as cattle and not stepped on anyones toes doing it.

Y-35 If this is such a rough draft, how come it is done is such detail and those representing the idea talk so positively like it will be accomplished in a short time, rumor has it by the year of 2000 if not before!

This rough draft said the Ferret would also be good for the tourists and I don't understand how, when it is a nocturnal animal and a spotlight will have to be used to see it at night, how many tourists own a spotlight little own are out in the tooties at midnight to night a ferret! One of the BLM employees commented when asked about this at the last meeting, "I never thought about that", seems like this whole rough draft was written with a whole lot of "I NEVER THOUGHT OF THAT included"!!

On national tv recently Conrad Burns stated that there were 35 BLM workers when the BLM started in Montana compared to the 600 employees now and I don't know what they are doing other than trying to stay out of each others way and LOOK BUSY as you can's see they have bettered the BLM or Montana!! (Sept 1991)

I have been through several zoos and wildlife preserves and most nocturnal type animals are inside a building designed to be a reproduction of their habitat including a viewing room so as to see their activities by the side of a night-time immitation light source. Most tourists will go to a zoo rather than drive hundreds of miles and not be guaranteed to see anything. I myself owned a albino ferret which was mainly nocturnal most of his life. They have a short life you know as their heartbest is rather fast and average lifespan of only 7 years! They too adapt as my pet did, he loved Big Mac hamburgers, bananas, lattuce, candy, esp chocolate!

Page 50 states "After reintroduction occurs, all activities which may impact the ferret or its habitat may require informal consultation with the Fish Wildlife Service. All activities will be allowed except when dealing with the ferret,"it continues... as we know from past experience, this is not true. They [gov] take more and more control, why this year I even had to buy a permit to

103B

shoot my compound bow, who knows - next year I will probably have to buy a permit so go peddy! Go back a few more years, my father was one of many who helped buy and transplant (farmers & ranchers) now controls where and how many permits are issued! Why isn't the farmer and rancher getting a return on his original investment since he planted them?

Go back another generation or two to my grandparents and greats - they were forced out of their homesteads along with many of their neighbors when Ft. Peck was completed, how??...when the water raised they had to move if they hadn't already had their land condemned! After the government condemned the land who else sets a price for this condemned land and paid the set price to all the farmers and ranchers regardless of their feelings. With a little negotiation and planning and time, not near so many toes would have been stepped on and so many negative feelings would've resulted!

On page 37 this plan also states they want to fence the existing, specific and new reservoirs for 100 feet around the shoreline so as to protect vegetation so the water wasting will not be disturbed. What will this do to cattle water??, most cattle are on private ground receiving themselves until the grazing season is over. So now we have less water for the cows, will we have 2 reservoirs, one for the cows and one for the WILDLIFE!! I believe I have seen many deer, antelope and elk go through, over and under fences to get to water, forget my safety. Now tell me these critters won't disturb the nesting!!!

Page 156 *For acquired land, its assumed the average livestock grazing capacity is 7.5 acres per animal unit month. Based on livestock forage allocations made on acquired land in the past 10 years, allocations of livestock forage could be reduced by 20% where many ranchers, maybe they should all pay their grazing under protest, after all its probably partly these fees that are being used to plan and accomplish this JVPRMP, right??!!!

The natural habitat of this area is not normally heavy grasslands as the rainfall is not here and also the type of soil is not right for it. When in reality it takes 40-50 acres per cow, this is proof. The rough draft states that low vegetation causes erosion, in real life 1988 all the wildlife moved out of the Larb Hills due to no water from lack of rainfall. Where did they go?...to the prairies where farmers and ranchers had reservoirs and alfalfa or hay fields. They had eaten more grass close to their water sources in the Larb Hills and since lack of water and close grazing was gone, they too moved. Do you see more erosion now as a results of their overusing grazing near water sources? The answer, if you don't know is NO!

They talk about soil erosion from off-road vehicle travel. I don't see it and talk to any rancher or children of, one rain wipes out the tracks and besides most trucks won't drive off-road with a $25,000.00 pick-up and abuse it and besides they don't have heavy tires to withstand the cactus and thorns of nature.

103C

Continuing on erosion on page 132, "These problems include resource damage such as soil erosion on steep slopes, soil compaction and rutting from use during wet periods, destruction of vegetation and loss of ground cover as roads and trails are created or expanded. Harrassment of wildlife at roads and trails are created or expanded. due to additional roads and trails." Let me tell you on my budget I don't have pocket change lying around to just get up and head for the country to harrass wildlife and what would be the purpose or gain anyway? How many folks would do this? I have personally seen the Fish and Wildlife fly their plans over wildlife, example elk and antelope to scare them up every morning before hunting season opens many times and I don't believe this is right either, who they worried about doing the harrassing when our government agencies are setting the examples!!!

The Fish and Game have done nothing to improve their grazing for the wildlife or water resources either, only thing is I've seen NO OFF ROAD TRAVEL or NO TRAVEL BEYOND THIS POINT signs and the like. This is the only thing I've noticed or has been seen.

S-21

"The optimum habitat (pg 125) for antelope consists of open, rolling, sagebrush, grassland as free from human encroachment as possible. Their winter diet consists of at least 50% sagebrush. Quality habitat containe sagebrush 12-24 inches in height and forbes become important during the spring, summer and fall while grasses are of minor importance year long." -- Well I have seen them eat grain and herds of 10 to 120 more have been eating the farmers winter wheat and hayland, if they (antelope) eat sagebrush all winter long what they doing on croplands. When I was north of Malta, we always shoot our antelope in the wheat and barley fields of Albert Flannens place.

Lets go back to the quote, the optimum habitat for antelope consists of open, rolling sagebrush, grassland as FREE FROM HUMAN ENCROACHMENT as possible...??...where does that put our roads, fencing, cattle, hunting rights, etc???...looks to me like on the back burner!

Pg 156 *Prescribed fire in the Missouri Breaks can achieve desired management objectives. Fires in dense ponderosa pine and juniper increase grass and forb productions and can benefit livestock grazing." Then this draft contradicts itself on next page 157, "Uncontrolled fire can have very detrimental effects on wildlife. Fire can remove large stands of juniper and sagebrush from winter ranges and reduce key eliminate wildlife populations on burned areas. The severity of the burn could prevent reestablishment of shrubs for over 10 years. This can be a significant negative impact to wildlife in short and longterm if reestablishment of shrubs does not occur." Probably impact the cattle too!!!

In this draft it says they are closing Montana Gulch campground in Sandusky. I have direct descendants buried in the cemetary there and is recently as 1990. I don't understand how one gov agency spends big money to improve campgrounds, etc and then later the sans or another agency spends even more money to close the same when little or no maintenance has been required resulting in little expense compared to the mass enjoyment and use it brings to the public. We have had many family reunions at montana Gulch as it is so beautiful, close to where many grew up, its cool and there are tables, parking and many trees.

103D

As a Montanna, we have been hit with so many things recently and even as a Nation. Including spotted owl, didn't high lumber prices also affect us, endangered species, CRP, Wolf reintroduction, beef check-off, water rights a century old being taken away due to many reasons - the main one wildlife. Hunting rights and increase in the kinds of and number of permits required and the list burn policy. You say a lot of this is for posterity, who is posterity if it isn't us and our children, grandchildren, etc who we are working the land for!

Throughout this draft it talks about land being put into CRP (Conservation Reserve Program). As I see it, this CRP program was nothing but a land-grab itself. It took private deeded land and controlled it and its use by government policies and agencies. Even the cattle could not graze on it but oh yes, the elk, deer, antelope and wildlife could. If this is not a wildlife refuge, what is?

I could continue on and on as you know if you've read this draft but will conclude saying how are 3,4 or even 5 BLM employees going to manage the enormous number of acres that this draft proposes to manage when currently it takes 75, 100 or more farmers and ranchers to currently manage the same amount of land?

Sincerely,

103C

Judith Valley Phillips Resource Management Plan & Environmental Impact Statement Comments - September 1991

Prove to us that wildcrnoss works - do a CMH study. Feed and water has depleted almost completely...Holly Flat (Town's Brothers and later Frank Locks place). used to have the best deer hunting in the Northwest on U L Bend due to all the feed in the nearby meadows and fields. Then when the F & W took over the Holly Flat, the Town's Brothers and Frank Lock place including others too numerous to mention, the management of the land - seeding haying, irrigating, etc was no longer there. The prairie dogs took over and the deer, elk and antelope moved closer to the farmers and ranchers for their existence.

They need more reservoirs in CMR and on BLM to keep the elk in the area. Most of the timbered areas have been fenced but the reservoirs are too small - the elk ate us out when the water holes went dry. 120 cow elk and their calves and 53 bull elk claimed out our deeded winter grazing in about 3 weeks ... we got paid real well!

Sage hen's in your JCPRMP, you say their habitat is gone, the fox and coon eliminated all our birds. We had pheasant hunters from all over - our grain fields were gold pheasant, sage and grouse. Now we see more fox than birds. We supply the feed and you claim the opposite. When the farmers and ranchers are gone - so is the game!

Game such as elk, deer, birds, etc., need three things - 1) water, 2) feed, and some management out in the field not behind a desk with a pen. I think its pretty cruel to the animals to move their feed (the ranchers) out - because those animals move or die.

Ed Koss ripped some range by First Creek Hall. It did magnificent - clover, grass, and more deer and cow feed than ever before. BLM furnished the cultivator and fuel, but we Lbs Acres to furnish the tractor. But then we spend millions on this Draft if it would have been put to use for more waterholes and range ripping, the multiple use benefits would have increased enormously!

Riparian - You say cows bother the nesting environment, out cattle are on summer range during the nesting period! These geese and ducks eat thousands of dollars of barley, wheat and alfalfa seed each year - get rid of us farmers and ranchers and ell you will have is the water, if that.

I would like to know what we did to deserve all this - because of people back east or what? Bring them out here to our environment and let us talk direct to those responsible - why let the BLM be the scapegoat! This is COMMUNISM not the AMERICAN WAY!!! Those people back east dreaming up ideas like the JVPRMP are probably fed as full of propaganda as we are. We have no say about their heritage, jobs and livelihood.

104A

If this draft goes through, we have lost what our Fathers and Grandfathers and the present generation has worked for. We haven't hurt those people back east! Why are they hurting us?

My wife and I have paid over $200,000.00 in taxes the last few years, too support this kind of government control. THINK - Wake Up AMERICA, this happened to our forefathers that came over here to try to avoid (government control)!!!!

Let's manage this land for MULTIPLE USE - spend, spend, spend has the taxpayers to the limit --

If you are wondering why I am so concerned, I have relatives that live where the spotted owl caused the loss of thousands of jobs, closed many lumber mills causing economic hardships - higher priced lumber, etc.

The forest will be rebuilt someday, but we are gone - brothers on already. Not counting refuges, parks, so tell me these acres have been utilized to the maximum possible and more is needed so badly that you have to squeeze more out of the taxpayers!

You Mean AMERICA believes in putting good honest people off their land so millionaire hunters can come out here once or twice in their life to kill some wild animal that most of them don't end won't even eat!

Don Holtzley
HC 64 Box 8135
Milk Mt., 59538

105A

Presently your wildlife are getting free fe and you are still getting t m for it.

The deer, elk, antelope chickens, geese ducks etc. do as a most part prefer grain and alfalfa. They have adapted to our way of life as we have fast food joints.

They want to preserve the land for future generations aren't we as good as the future generation? The bible says the world will be destroyed, who knows when?

S-6 They say in the resource book that sage chicken habitat has been destroyed due to farming. Well I bet you don't find 50 chickens in our grazing pastures you will find them in our bhen always filled their quotas in our hay meadows they aren't dumb they know where to find them.

The prairie chickens pheasants and other bird species are less in sbelast 5 years not due to farming but due to 3 over run of foxes that have moved up from CMR, evidently food shortage.

Why should we raise more ducks and migration when the ducks fly to Mexico to raise more ducks and migration when the ducks

A-1 Why don't they put their money into the greater wilderness

A-4 and government ground? Why do you have to acquire more ground?

A-5 Page 3-3 of the resource book those where you have been gathering

A-11 ground for 10 years.

So it does look like a land grab. Where is the largest amount of wildlife found? Next to my meadows and farm land. If the game that went out of here every year went off of game that was relied on BLM only there would be a lot less licenses sold.

You say you want the forest also for tourists to enjoy when? at night with a spotlight? Where will the gamewarden be while they a re trying to see him, he is nocturnal?

Who will pay all the people working for the BLM's wages when the Fish and Game take over the BLM? Who is going to pay the taxes on the land that BLM takes away from the ranchers?

Did you ever stop to think that taxes pay your wages?

How much tax base are you going to have when there is no ranchers left?

CATTLE FREE IN 93 LOOKS LIKE IT TO ME!

Sincerely,

Diane Holtzley

105

B. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, Mont.
59457-1160

Dist. Holzhey
HC Box 8135
Malta, Mont.
59538-8702

RE: Comments on Judith, Valley, Phillips Resource Management Plan & Environmental Impact Statement

Dear Mr. Miller,

I am very unhappy with the amount of acres the BLM wants to acquire for the Judith, Valley Phillips Resource Management Plan. land? The land you want is not the same quality as the land you want to trade in for. We do know that with the fences as a endang- ANW's. He will not survive, this is not his natural habitat or H-2 nature would have had him here already. So why spend millions on a losing battle?

We see the Plan as a land grab by the Government, we see our selves being gradually squeezed out piece by piece over the next several years.

The Land Aquision completely circles our land and several neighbors. After we are circled we expect our land to be condemned and bought for the price the Government wants to pay. It is like a cancer slowly eating away at us.

Our dreams of seeing our children follow in our footsteps, that our grandparents, worked so hard to acquire for us seem to be a lot of hardships coming over seas to us. For the land of freedom because this is what theyvwant though over there.

We see the ferret as taken part of that freedom, a start on the land grab.

Why is millions being spent on something like this when our schools, hospitals, colleges and business' and ranches are going broke?

We have 9104 deeded acres and I cannot find the Don Holzhey A-28 Ranch on any map any where in the Resource Book. But I do find First Creek Reservoir on there that they want. Who built that Reservoir and who maintains it? That is the likelihood of this ranch. Do you know how many ducks, geese, and bird's are hatched out there each year and raised here? Because of this water. How many to count all the other wildlife that use it. Wildlife need water With the management of CMR right close to us the only thing left does there is miles and miles of PRAIRIE DOGS and they want more land to manage that way? Plant the ferret down there.

Our grandfather is dead now but a story he used to tell is that was only sage chickens to live on, later on when a deer ventured top of the deer tracks.

So I don't think we have hurt the land by farming and grazing it. I think we have improved on the wildlife here now.

106

Why Alternative E ?

The BLM has chosen to pursue alternative E, the most restrictive and costly alternative formulated in the JVP RMP. I oppose this course of action for a number of reasons.

First, I see this as a continuation of the massive trend of removing lands from productive use. Since the 1960's the federal government has locked up 97 million acres of land in wilderness, scenic, and other designations that effectively reduce the land to a single use - recreation. This represents an untold potential for wealth generation that is lost to us, to our children, and to succeeding generations. The number of acres withheld from productive use in this manner continues to increase. In light of A-2 this, why choose the alterna ive that ties up the most land? Why A-11 not buck the trend and develop or alternative that would dispose of federal lands?

Secondly, the cost of acquiring and administering the 631,719 Y-16 acres in Alt. E will be an additional burden on the taxpayers of the United States. In this day and age of burgeoning federal deficits, why does the BLM choose the management plan that will cost the most? At the previous meeting on the JVP-RMP held in Lewistown, Mr. Gene Miller of the BLM stated that, in part, the choice of Alt. E would allow more efficient management of the BLM's "checkerboard" holdings. A much more economical solution to this problem would be to dispose of these troublesome properties. That would ease the BLM's burden and insure productive use of the lands in question. The land sale revenues would, of course, go towards reducing the federal Deficit.

Finally, the designation of areas that have good mineral potential as ACEC's must be based on the erroneous assumption that mineral development and aesthetic and environmental values are completely incompatible. This assumption is highly prejudicial and unfair to all the people of this area who would benefit from such development. Designation as an ACEC effectively removes an area from practical consideration for J-10 mining. Why choose such a restrictive course of action? Why not back off and let developing projects be considered on a case by case basis?

In summary, I believe that the course chosen by the BLM is a A-2 continuation of a harmful trend for the country. I would like to A-11 propose that the BLM develop a sixth alternative, one that shrinks the size of its holdings in the JVP management area instead of increasing them.

109

TESTIMONY PRESENTED BY LARRY DESCHENBAKER ON WEDNESDAY, OCTOBER 2, 1991 AT LEWISTOWN.

JUDITH VALLEY PHILLIPS RESOURCE MANAGEMENT PLAN
Montana Stockgrowers Association
Montana Public Lands Council
Montana Association of State Grazing Districts
COMMENTS

Issue #1: Land Acquisition and Disposal

This issue needs to be explained and presented more clearly in this RMP. Many of our members are concerned with the amount highly productive of private land identified that meets acquisition criteria versus marginal BLM acreage available for exchange. While it has been explained that the acquisition and disposal process will be between willing parties and the large amount of private acreage identified is due to the possibility of a lack of willing parties, there is concern over BLM's real objective in identifying such a large amount of acreage for possible acquisition.

A-11 We realize there is growing public interest in having the government own more land. However, BLM Director Cy Jamison has the policy of no net gain of federal lands. Any acquisition plan must comply with this policy.

We are very concerned with any proposal for more land acquisition for elk habitat when consideration should first be given to population management of wildlife. Even though the State of Montana is responsible for population control, very little has been done to address this problem. The BLM needs to sit down with the state and determine realistic population goals and habitat objectives. At the present time, the sky seems to be the limit.

109A

A-29 The preferred alternative states a reduction of 2591 cattle. This reduction will have a negative economic effect on, not only the ranchers themselves, but on the economies of the local towns. The BLM must realize the ranching industry is a constant and stable aspect of these counties. Any reduction in livestock AUM's or the removal of private land from production will only hurt the people who have managed both public and private lands and who have improved the condition of these rangelands according to the BLM.

Z-2 We also understand that maps identifying lands are incorrect. This needs to be corrected.

A-9 It is stated that any acquisition will be on a willing party basis. However, condemnation by the federal government has been used in the past. Will it be an alterative in this RMP for acquisition?

A-3 In regard to the private lands identified for acquisition, who identified the acreage and were the private landowners involved in this process? If not, this is a terrible abuse of private landowners and their

A-7 private property rights. Were outside groups involved in lands being identified? And if so, who were they?

Management of BLM lands is very important. Many times we hear the concern raised by the BLM as to lack of manpower and finances to keep up with lands and programs presently operating. Acquiring more lands and developing more management options, which need more manpower and money, will not decrease this concern. It will only require more and more taxpayer dollars.

109B

We are also concerned with ranching operations being disrupted if a party, who is in another part of a county or who is not the permittee, trades private land for BLM land within another ranchers allotment.

0 If the landowner indicates by December 15 that he is not willing to sell or trade, the record of decision should not included these acreages.

Issue #2: Access to BLM Land

The Bureau needs to monitor this proposal very closely. When more roads are established, there are more costs associated with management and maintenance. The BLM will need monetary resources which may lead to the possibility of taking funding from other projects.

Increased access could also lead to more weed spread, game displacement, and disturbance of other uses of the resource.

B-1 These questions should be asked: 1) are there other roads where access
B-7 is already available, and 2) will additional access actually benefit the resource?

Issue #3: Off-road Vehicles

Off-road vehicle use, as well as access to BLM land, should be handled on a case-by-case, area-by-area basis. Meeting and working out a solution through communication and cooperation is the best way to settle these problems instead of a blanket policy.

109C

Issue #7: Riparian and Wetland Management of Watersheds

F-1 We appreciate that livestock grazing will be used as a tool to meet the objectives of riparian and wetlands. We would caution, however, that the definition of wetlands has not been determined and is still being discussed among many agencies, organizations and people. The BLM and the livestock operator must work closely together when developing a management plan in the area.

In several places it is mentioned livestock forage allocations would be granted on newly acquired land if they are compatible with wetland management objectives. It has been documented that properly managed livestock can help manage the forage and we would encourage the use of livestock in these areas to help with wetland management.

F-20 We feel the BLM should closely look at the logic of excluding herbicides and prescribed fires in the wetlands complex. Some form of weed control will be needed, because weeds will eventually grow. When and if noxious weeds occur, the BLM should be required to control them as is everyone else in Montana.

Issue #8: Elk and Big Horn Sheep Management

As was stated previously, in regard to elk management, the first criteria should be population management of wildlife. It is premature to discuss habitat until population limits have been identified.

109D

Issue #9: Prairie Dog and Black-Footed Ferret Management

Many questions need to be answered before we can even consider supporting this issue. Questions such as 1) funding, 2) the establishment of a non-essential, experimental population of ferret, 3) prairie dog control, 4) the assurance of private property rights protection, 5) the assurance of the continuation of livestock grazing, and 6) range improvements to provide for more forage to keep the livestock AUM's constant.

H-30 In addition, the law requires an economic and social analysis be completed when critical habitat is identified for a threatened and endangered species. To our knowledge, we do not know of such an analysis.

Issue #10: ACEC's, Areas of Critical Environmental Concern

It is our opinion the designation of these areas is the creation of defacto wilderness. In regard to the Azure Cave ACEC, if this area is advertised is there any assurance that what the BLM is trying to protect, i.e. bats, will not have so much public attention drawn to it the bats will be driven away? It appears that special interest groups have had an inordinate amount of input in identifying these ACEC's.

We would like to thank the BLM for this opportunity to comment.

111

My name is Dave Phillips. I serve as the Fergus County Extension Agent and on monthly the President of the Lewistown Area Chamber of Commerce.

On behalf of the Lewistown Area Chamber of Commerce, I offer this statement in response to the Judith Valley Phillips Resource Management Plan and Environmental Impact Statement.

We encourage the Bureau of Land Management to continue to administer federal lands in accordance with the sound principles of multiple use while recognizing and honoring the rights of private landowners and private land ownership. These rights are among the keystones of the founding principles of this country.

We believe in the economic stability of the Central Montana area and the sound environmental stewardship that can provide for this Central Montana area. Both are possible.

In addition to this brief statement, the Chamber of Commerce will be submitting a more complete written statement and encourage all others concerned to do the same.

Thank you.
Dave Phillips, President
Lewistown Area Chamber of Commerce

110

Allen Shaw-1, Tres
Fergus Co rural Bureau

We are opposed to further private land acquisition by the state and federal government unless it sells or trades land of equal value within the area involved.

We support the concept of private ownership of federal lands.

We oppose any action that infringes on an individuals right to own and manage private property, including stream beds, stream banks, mineral rights and adjacent private lands. Any erosion of that right weakens all other rights guaranteed to individuals by the constitution.

Alternative A is the only one which we can accept at all, and that one with reservations.
It is the opinion of our organization that the rights of the private property owners whose land has been forgotten for acquisition have been violated.

112

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Jay Wicks	Wicks Ranch, Ulm Rt 2 Box 2810 Stanford	Oct. 2, 1991

1. ACEC designation would give to the Judith Mountain area a sentiment & something over the top, people involved, and without an explanation of what the designation means, we feel this is pregnant and dramatic. We want the Arena owned by the implied threat of condemnation.
2. ACCESS has never been denied there with out a road unless there are Primary Hunting in the area at a given time or fire danger is high. We feel an old right of way could serve the public as well.
3. ELK HABITAT - We have enough damage from deer that a bait pile would be [illegible]

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

112A

for more elk. No way would they stay on BLM land without water. Any viable elk habitat would require aquisition.

4. ACQUISITION - We will not sell or trade land to the BLM but would willingly buy. We believe the management abilities of private land owners, No one else has a greater incentive for success. We have a great example in the Soviet Union. There are ways to encourage desirable land use by education + leadership rather than Government ownership. Multiple use can be achieved as well with private land ownership as government.

A-2 Therefore the only acceptable alternative
A-11 would be F. do nothing further but take care of present holdings and see those that are unmanagable or isolated.

113A

The South Moccasin landowners object to having the South Moccasin Mountains be considered as ACEC for the following reasons.

J-1 1. The three parcels of BLM land (approximately 1200 acres) are not a large enough contiguous area to achieve its purpose as a ACEC.

2. The vast sajority of the land area that is seen by Lewistown is privately owned.

3. The present system has been working for years and the land is in demonstrably better condition than years ago. After all our livelihood is directly affected if the lands ability to produce is hurt.

As to land acquisition as proposed, we oppose it for the following reasons.

1. Local land owners land value would be devalued because of the threat of land condemnation.

2. We believe that public ownership does not seek better land use or land husbandry.

A-11 3. None of the affected land owners in the South Moccasins wish to sell to the BLM.

4. Grazing would be reduced.

5. The loss of tax revenue to the county caused by land acquisition and the corresponding reduction of cattle numbers is not adequately recovered by PILT.

6. Land use practices that are considered desirable (recreation, timber management, etc.) can be influenced by edutation, incentives, and other means rather than public ownership of land. The most efficient land use has been achieved through private land ownership. Russia is a prime example of the disaster of government ownership.

Concerning proposed access, there is no legal public access now and we feel that is in the best long term interest of the public as well as our selves. We seldom deny access now but sometimes we do limit it. Too many hunters in an area, high fire danger, erosion, spread of noxious weeds, etc are good reasons to limit access. We feel that public ownership would not address those problems adequately.

Concerning elk habitat, factors such as no water, steep slope, thick timber on present BLM land contribute to making the South Moccasins more unsuitable for elk habitat. Therefore - elk will inevitably be on private land and it wont be the BLM or the Fish and Game who fixes the fences, provides the feed, and puts up with the various inconvenience of harvesting the game.

113

COMMENT TO THE JUDITH, VALLEY, and PHILLIPS Resource Management Plan

Joe C. Wicks
Rt 2, Box 2210
Lewistown, Montana

October 2, 1991

I object to the South Moccasin Mountain area being included in this plan for the following reasons.

1. My grandfather came to this area in 1891 and homesteaded on the place just south of us in 1082. My mother was born on that place. My father came here in 1917 and bought the place we live on. I can remember hearing the man who homesteaded this place tell of riding horses in the hills in back of our place and the trees were about eye level. There evidentially had been a big fire before any white man had settled here. Pictures of the area show very little trees. As to game, I was 12 years old before I saw a deer in the wild. Based on pictures and my experience I can vouch that the mountain is in better shape than it has been for a 100 years. Therefore BLM's ACEC and land equisition are either trying to fix something that isn't broken or are expire building.

2. I resent that those of us who do have cultural and emotional ties to this area were not even consulted about including the area in an ACEC (or for that matter informed what an ACEC is).

As to land acquisition. There are better ways of influencing land use than having the Government owning it. Education, various incentives, public pressure, etc all seem to be an acceptable way of inducing industries and businesses of all kinds to modify their activities to be more acceptable to the public. Russia and Eastern Europe are a prime example of the disaster of Government ownership. Further, PILT does not cover the revenue loss to local Government according to county officials I have talked to.

Finally land access. We seldom deny access now but there are good reasons to control access. Too many hunters in an area, drunk or abusive hunters, fire hazard too high, activities that spread noxious weeds, etc are just a few. The Fish and Game or the BLM will not do the job the local land owner will to protect the lands productivity. Also in our own case, our houses are just 100 yards from the timber. You can't allow just anybody in your back yard shooting high power rifles.

113B

Therefore the land owners of the South Moccasin Mountains request that the BLM abide by their own statement on page 5 paragraph 4 in the second column which states "Decisions involving acquisition and disposal will consider: the effect on employment, personal income, business activity and social well-being; benefits against the cost of acquisition or disposal; and the net gain in county revenues when comparing property taxes with payment-in-lieu of taxes." We believe that if the above is seriously considered the BLM will dispose of its holdings in the South Moccasin Mountains or at the very least not change the present management policy.

Joe C. Wicks
Rt 2 Box 2210
Lewistown, Mont

Speaking for the land owners of the South Moccasin Mountains.

114

FIRGUS COUNTY
STATE OF MONTANA
Lewistown, Montana 59457

October 2, 1991

TO: Bureau of Land Management

FROM: Board of County Commissioners-Fergus County

RE: Resource Management Plan and Environmental Impact Statement

Following are comments of the Fergus County Board of Commissioners concerning the Judith Valley-Phillips Resource Management Plan and Environmental Impact Statement.

A-11
A-9

LAND ACQUISITION AND DISPOSAL: The Commissioners would like to go on record as believing there should not be a net gain in acres of public land through land acquisition. Land exchanges with willing land owners should be encouraged for the purpose of improving land management.

D-2

OIL AND GAS LEASING AND DEVELOPMENT: The terminology in this section is confusing at best. Alternative E appears to open more acres for development, but places more restrictions on exploration. More restrictions will further discourage exploration in Fergus County. Therefore, Alternative B appears to be more consistent with the Economic Development philosophy of Fergus County.

SOUTH MOCCASIN-JUDITH MOUNTAIN SCENIC AREA: The Board supports alternative E. This alternative would allow development, but protect the scenic value of the face of the Judiths and South Moccasin on public lands.

115A

The idea of increased elk habitat is also an interesting one. We presently lease the 1200 BLM acres in the South Moccasin mountains. BLM allows 40 to 60 percent of the forage to be used for cattle. Our allotment is 35 animal unit months. This means that if the cattle use about 50 percent then there is about an equal amount left for the wildlife. Therefore since an elk is about 2/3 the size of a cow then perhaps there would be enough grazing capacity on BLM lands for 60 elk for one month or about 4 elk for the entire year. This does not take into account that there isn't any water on the BLM land, or that the snow will get too deep on BLM land during the winter. So you can figure out where the elk will be, on private land. I cannot see how an area that does not have a water source or any winter range can be viewed as an area for elk expansion unless the BLM is planning to acquire private land with a water source and also winter range. This leads back to land acquisition again.

The BLM lands in the South Moccasin mountains presently do not have a legal access. The major trail to the BLM land is across our ranch. We have allowed the public to cross our ranch by permission. But at times have limited access due to fire danger, spreading of noxious weeds, erosion and excess hunters. We have also allowed many forms of recreation on our ranch. Some of which are camping, hiking, hunting, cross country skiing, motorcycles, snowmobiles, hang gliding, and fishing. We do not want to have a public street through the middle of our ranch that we cannot control. The BLM land that they are seeking access to is not landlocked in any way from our private land. We control all of the land between the BLM parcels and also several miles of trail to the nearest public road. We feel access without our control would be a large problem.

Therefore we are against the preferred alternative and would like to see alternative A implemented.

Nancy Jenni 10-2-91
Don Jenni 10/2/91

Estha Jenni 10-2-91
Lawrence Jenni 10/2/91

115

STATEMENTS CONCERNING THE
JUDITH VALLEY PHILLIPS
RESOURCE MANAGEMENT PLAN
ENVIRONMENTAL IMPACT STATEMENT

I'm representing the Jenni Ranch located in the South Moccasin mountains. This plan as written has the potential to cause many problems for our ranch.

The greatest problem is that of land acquisition and disposal. The BLM presently has only 1200 acres of surface in the South Moccasin Mountains which we currently lease. It is divided in three pieces which don't connect and are not fenced. The BLM has identified approximately 5,000 acres for acquisition in the South Moccasin Mountains, of this about 3,400 acres are from our ranch. This is a very large parcel of land and we have no desire to sell or trade this to the BLM or any one else. Loss of this land would have a very negative impact on our ranch as it includes much of our summer pasture. Therefore we would be an unwilling seller and as such wish to have our land withdrawn from this document. We believe that sooner or later the BLM will come and force us to sell this property. I have talked to Dena Miller, Associate District Manager, who assured me that the BLM would not use condemnation to acquire land. However if that is indeed the truth, why will they not put that in writing in this document? I am not against the principle of acquisition and disposal, their land should have their land received from the acquisition list. I also believe that the wording should be changed to include a statement that condemnation will not be used by the BLM to acquire land. The BLM is infringing on personnel property rights by listing private lands for acquisition. Why do they have the right to say they want a particular piece of private land for acquisition? Why can a few individuals sell at a high and target private land for acquisition without even telling the landowner know this is happening until the Environmental Impact Statement is out.

A-9

I'm object to having the South Moccasin Mountains listed as an area of critical environmental concern. We do feel that scenic quality and the visual resources which can readily be seen from Lewistown and highways 191 and 87. The importance was listed for tourists, recreational services, and also marketing efforts such as videos, brochures, and newspapers. If the South Moccasin Mountains become an ACEC then more pressure would be put on us to acquire our land. At present the 1200 acres of BLM surface do not in any way represent the [illegible] of the South Moccasin mountains. So this scenic quality that Lewistown and the tourists enjoy is largely due to the ranchers and not the BLM. The majority of recreation on the mountain is also on private land. This will not change unless the BLM acquires more private lands.

J-1

117

COMMENT FORM

DRAFT
Judith
Valley
Phillips
Resource Management Plan

(Please Print) Name	Address	Date
Clark Brenig	HC 72 Box 2273 Lewistown, MT 59457	Sept 30, 1991

I wanty like this plan withdrawn because I feel you have no legal right to draw a resource management plan on land that you don't own in control of. You have adversely affected certain private land owners without their permission by placing potential condemnation orders on the land under the ACEC areas who will compensate these people for their loss of rights on the property. For the best interest of everyone concerned I think you should cancel this plan and draft a new one on only the lands that you owners you are allowed by law.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

Sincerely
Clark A Brenig

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JUDITH VALLEY PHILLIPS MANAGEMENT PLAN
Winifred FFA Chapter
COMMENTS

My name is Chris Meggee, I am representing the Winifred FFA Chapter. Many of our parents lease BLM land, and the decisions made as a result of this meeting will affect our futures as well. We would like to share our opinions concerning the issues before us.

BLK AND BIGHORN SHEEP MANAGEMENT

We realize that wildlife such as elk, deer and bighorn sheep graze freely on private, as well as public land. We also recognize the importance of continued livestock grazing on State and Federal lands to preserve our way of life.

We support the limitation and regulation of elk and deer populations through hunting. However, cooperation between the BLM and the State is essential in developing an equitable management program. G-4

LAND ACQUISITION AND DISPOSAL

We are greatly concerned with the plans for land acquisition and disposal. We feel that any acquisitions made should not disrupt the ranching operation, or negatively affect the lifestyles of those who ranch on BLM land. Additionally, the BLM should refrain from acquiring large amounts of land, as one of two alternatives will clearly take place.

118A

1) Taxpayers will be burdened with the cost of managing additional lands.

or

2) The management of the land will be less effective.

ACCESS

We support the development and improvement of access to BLM lands for use by the public.

We would like to express our thanks for allowing us to contribute our ideas and opinions.

119

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Wes Phillips	Rt 2 Box 3192 Lewistown, Montana	Hearing at Lewistown MT 10-2-91

Due to the willful neglect on the part of the BLM in seeking input from the effected and adjacent private land owners concerning "CR habitat, 2) condemnation possibility, 3) timber harvest 4) mineral development 5) loss and 6) tax consequences I oppose all aspects of the JVP-RMP and believe it should be thrown out in it's entirety. The public land should be put up for sale, and the Carson theft prevented.

I believe the South Moccasin ACEC is not an area of environmental concern but rather a social concern of a few residents of Lewistown.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

120

KENDALL

CR KENDALL
P.O. Box 709
Hilger, MT 59451
Phone (406) 538-5501 Fax (406) 538-1934

Statement of Position
On
Judith Valley Phillips Resource Management Plan EIS

Creation of Areas of Critical Environmental Concern and the Congressional Multiple Use Mandate .

When deriving policy for Federal land management, the Congress of the United States issued a strong mandate for multiple use. Congress also passed legislation allowing for the creation of Areas of Critical Environmental Concern in certain instances. Congress did not provide guidance for establishing ACEC's leaving it to the land management agencies to establish rules and regulations. Since ACEC's promote singular use, these two concepts are often in conflict. Since it is clear that the intent of Congress was to allow multiple uses to coexist on Federal lands simultaneously, the multiple use concept should clearly take precedence whenever possible. The BLM has included lands in potential ACEC's that could, with watchful management, continue as full multiple use areas.

120A

KENDALL

CR KENDALL

The South Moccasin-Judith Mountain Scenic Area ACEC

The EIS identifies negative impacts to mining and logging by the creation of this ACEC. The impacts are deemed to be significantly greater for mining with a likelihood that two open pit mines will be forgone. The full economic impact of this finding is not spelled out in the EIS.

J-31

The document shows the total value of mineral production in Fergus County for 1987 was approximately $500,000. The gross production of metals in Fergus County in 1991 will exceed $20,000,000. This represents a 3,900% increase. Assuming the two mines are the size of the Kendall Mine, small by industry standards, the potential economic loss to the State of Montana and Fergus County are:

J-32

$1,000,000 per year in gross proceeds and metal mines taxes.
$ 500,000 per year in property taxes.
$4,000,000 to $5,000,000 per year in employee payroll.
$4,000,000 to $5,000,000 per year in local product and supply purchases.

120B

KENDALL

CR KENDALL

The majority of these funds are of direct benefit to Fergus County. The EIS discloses that the yearly economic benefit from all proposed ACEC's combined will be approximately $646,000 per year. The benefits of the Resource Management Plan could be greatly increased by excluding the South Moccasin-Judith Mountain Scenic Area ACEC.

Collar Gulch ACEC

The collar gulch area is a historic mining area and small miner activity continues today. AS identified in the EIS, this area has high to moderate mineral potential.

The westslope cutthroat trout to be protected by this ACEC is not in danger of extinction in Montana or the United States. Its existence in Collar Gulch is not significant environmentally and there is some question as to its origin in the area.

Because Montana and the United States has sufficient laws protecting water quality, this proposed ACEC is redundant and the BLM could put its management funds to better use elsewhere.

M-28

120C

KENDALL

CR KENDALL

Conclusion

The JVP Resource Management Plan proposes eight ACEC designations which could be left open to multiple use with watchful management. The BLM should reevaluate the cost to benefit ratio of the South Moccasin-Judith Mountain Scenic Area. The cost of creating this ACEC greatly out weighs the benefit. The Collar Gulch ACEC proposal is redundant and BLM funds could be put to better use elsewhere.

121

I am Jack Hughes I am a third generation rancher who is concerned with the Judith, Valley, Phillips Resource Management Plan -

We feel that the whole plan is flawed in many ways - Many landowners who have paid taxes on land livestock & improvements for many generations will be severely impacted if this plan passes in it's present form! A few examples follow

Impacts to livstk management - lure crops ACEC explain reductions in A.U Ms & costs connected w. plan explain Riparian Alternatives

Explain Endangered species plan Access & off road vehicle use need to be combined & controlled - this is a major concern to all landowners

We support the 'no net gain' concept concerning federal lands

thank you

(Typed exactly as received for reproduction in the final RMP/EIS.)

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District Manager
Bureau of Land Management
Lewistown District Office
PO Box 1160, Lewistown, MT 59457-1160

COMMENTS on the Judith, Valley, Phillips, RMP-EIS Draft
dated July 1991

Land Acquisition and Disposal

1. This plan needs to reflect that dollars spent on acquisition will not and do not exceed revenues from land disposal. Lands identified for acquisition need to be drastically reduced in acres. Lands listed as meeting acquisition criteria today become targets tomorrow. This plan needs to be so developed that it can't be used as a tool for the government to become bigger. Government needs to concentrate its expenditures on existing projects and prior commitments presently being neglected.

2. A tract of land in my allotment (Arthur individual-Two Calf) has been identified for disposal. This tract was originally part of Parcel P-016 which was later divided and parcel P-177 was assigned to the portion in my allotment. This parcel isn't listed in Table Appendix A.3, however, it appears on Map 1 Side A. It is also in the computer program, so can expect

122A

it to show up in the final plan if it isn't withdrawn during the review process.

A-43 This parcel needs to be withdrawn for the following reasons:

A. This allotment is 100% government furnished with a working management plan in effect.

B. This land is critical Elk, mule deer, and big horn sheep habitat.

C. North and Middle Two Calf drainages flow through this parcel. This particular drainage provides some of the best hunting in the entire area. Bow hunting in particular reflects this use.

D. Last but not least this parcel has wetlands on it. A large well known spring (Bow Springs) runs water yearlong. The spring keeps the coulee saturated for up to 1/4 mile below the main spring. It is the only water on the west end of this allotment.

A-44 3. Getting back to acquisition, I find it quite interesting that the (Dog Creek Hills) area east of Winifred is identified for acquisition, need being antelope winter range and sage grouse habitat. In fact, these same lands were identified of disposal in Oct. '88. Public lands in the same area were disposed of through exchange a few years ago!

I quickly lose faith in this type of planning.

122B

Access to BLM Lands
Off Road Vehicles

1. The bureau needs to continue with an aggressive access acquisition program.

2. Let's not make the mistake of furnishing access to the public lands and then restricting use to the extent that the public can no longer enjoy use of these areas. Existing regulations can be used to protect areas being abused without massive seasonal restrictions. Seasonal restriction will put even greater pressure on private lands in these immediate areas.

I would estimate 75% of the visitor days to the Missouri River Badlands take place during the Sept.1 to Dec. 1 period. Vegetation is through growing by this time and most of the rainy weather has already passed, therefore ORV damage is minimal.

Let's manage ORV use without massive seasonal closures.

123

Oct. 2, 1991

Comments in regard to the
Judith-Valley-Phillips RMP/EIS:

The BLM is responsible for the stewardship of our public lands, committed to managing, protecting and improving those lands in order to serve the needs of the American people.

It is a major concern to us that the BLM wants to acquire more land when they don't seem to be able to adequately take care of the lands they already control, for example the spread of noxious weeds on the Missouri River corridor and lack of water development on BLM lands. The reduction of grass and domestic increase of brush and willows along the Missouri in the CMR is another sad example of govt. management of riparian zones.

In the '30's, old timers say it was a rare occasion to see deer. Due to ranchers conservation efforts, improving range, building reservoirs, digging wells and planting crops, the population of both deer and elk has increased significantly.

It would seem that ranchers have unwittingly improved game habitat and increased populations to the point the BLM sees the need to provide even more habitat.

Your document says BLM land is capable of supporting expanded elk populations which would in turn increase hunting opportunities. But, when grass runs in short supply and water is poor, who stands the reduction of animal numbers to compensate - the wildlife, or the rancher because "HE" overgrazed? Increased hunting opportunities are doubtful too when the Dept. of Fish, Wildlife and Parks scatters game right before hunting season.

Finally, the land condemnation and acquisition plan would very effectively increase Government control and the recent fall of the majority of Communist Countries tells us what doesn't work.

Submitted By: Dan & Laura Boyce
Cleo & Mary Boyce

(Typed exactly as received for reproduction in the final RMP/EIS.)

124

Oct. 2, 1991
Fergus D's Cafe

COMMENTS AND CONCERNS
on
JUDITH VALLEY PHILLIPS MANAGEMENT PLAN

My name is Oscar Cantu. I am an Agriculture Education Teacher at Winifred High School in Winifred, Mt.

In order to properly manage rangeland an assessment of A.U.M.s must be made. Once A.U.M.s of forage available is made, cattle, deer, and elk must be regulated to the available forage.

At our last meeting I was told that the BLM manages range and Fish and Game manages wildlife. There must be coordination between BLM and Fish and Game in the management of forage, wildlife, and cattle.

We cannot continue to increase deer and elk numbers at the expense of the private land owners, because deer and elk are just like cattle and graze where there is water and forage.

We must not continue to acquire land at the expense of Montana's ranchers and farmers because they have been and will continue to be the backbone of Montana's economy.

We must develop access to all BLM land for the benefit of public.

Land Acquistion adoption should be alternative A
Access should be alternative E
Off Road Vehicle should be alternative A
Elk and Bighorn Sheep should be alternative A

Thank you for your time,

Oscar Cantu

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South Moccasin- Judith Mtn.
Sensitive Area ACEC

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

Land acquisition

Respectfully, Judith Mt.

(Please Print) Name	(Address	Date
Gerald Peterson	Gilledge RFD Lewistown Mt.	10-1-91

I would like to see the BLM put more of their lands up for sale to the private sector as this will generate some much needed revenue. Rather than wasting it to take prime agricultural and range land out of production some out of state hunter has more land to hunt on.

I feel that there is an abundance of Federal lands available for recreation at the present time.

A-11 I am definately opposed to the inclusion of my property in the Judith Mts. in your land acquisition program.

Thank you
Gerald Peterson

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

125

My name is Gary Boyce and I am speaking on behalf of our family ranch located in northern Fergus County.

Our main objection to the BLM proposals of future plans, is they will continue to cate privately owned land for their use. In their studies they have included all the land and water.

Wildlife has been expanded so greatly that all farmers and ranchers are being overrun with deer and elk. To my knowledge, there has never been any reimbursement for any damages.

We would have no objection to wildlife if the fish and game had to manage their livestock the same as we ranchers. In my estimation this is not management.

Last summer we had over [redacted] head large numbers of elk live in our grain fields. The only time these elk used any BLM land was in the daytime to sleep, thus graze our crops at night.

Then a week before bowhunting seasons, helicopters and game officials came in and scattered the herd for miles. There was considerable amount of damage to fences and crops, this was done without notifying us. This is the Fish and Game's idea of management?! *BLMs

I would like to know what your future management plans are for your wildlife?

127

10-2-91

Bureau of Land Management
Lewistown District
Re: Judith, Valley, Phillips - RMP-EIS

My Name is Bill Cutler And I am a retired BLM employee of the Lewistown District.

One general Comment Concerning the plan is that it is so massive And All inclusive that it nearly defies Analysis. It A person was unfamiliar with the Personality and Format of such a document most People would give up After only A Cursory look.

I would like to specifically Comment on the Off-road Vehicle Travel Plan As it relates to road on Public Lands in the Missouri Breaks. I am particularly Concerned With the roads + Trails being Closed During hunting Season from Early Through Dec'l. This is Normally A Busy Season in this region And A time when Full Access is needed to achieve A satisfactory game Harvest. The late Robert Smith, who was a wildlife Biologist for the State of Montana in this Area for over 20 years Constantly stressed the need to maintain all existing Access in the Breaks. It was his strong opinion that A satisfactory Harvest could not be Achieved without this Access.

Even though the map shows only A few Closed Cross roads, there Are Actually Boundaries Of Not Thousands of Miles of Trails which do not show on the maps that will be Closed As A Result of this Plan. Many of these Trails Exist in Terrain that is Not Highly Available. This Amount to A Significant Closure of A very large Area.

C-5 An Area that needs to be Addressed in Some Detail is the Historical of Some. All available Access is needed for Game Retrieval And in many situations direct Access by the Shortest Route is necessary.

127A

One other Concern I have is an apparent lack of consistency in planning North and South of the Missouri River. In the Judith RA many miles of existing trails are shown closed while roads in similar areas County North of the River are open. Was there a different Criteria applied on one there. A different level of Field work here?

C-8 Thank you for the opportunity to comment on this plan.

Sincerely, J. Peltier

128A

2. WHERE MAY JOE THOM - RECEIVE A COPY OF SAID 90 DAY EXTENTION - FROM A DECISION OF A RNO BY A EXECUTIVE MANAGER-

C. WHAT IS THE STATUS OF THE ACEC'S - AS
1-3 PUBLISHED IN F.R. AS A NOTICE - JUNE 24, 1991 OVER THE PERSON'S JOHN A KWIATKOWSKI -

C.(A) - HOW MANY COMMENTS (PUBLIC) WRITTEN TO - STATE DIRECTOR - NOW ROBERT H. LAWTON - WERE RECEIVED (AS MAILED OR HAND DELIVERED) BY 60 DAYS AFTER JUNE 24, 1991 PUBLICATION - AT P.O. BOX 36800 - BILLINGS, MT. 59107 - 6/24/91 -

1-2 C.(B) - WHERE CAN JOE THOM VIEW THE ACEC COMMENTS - RECEIVED IN THE 43 CFR 1610.7-2 ET AL PUBLISHED STATUTE] COMPLIANCE WITH SAID SECTION -

1-2 C.(C). ARE THOSE THE ONLY ACEC PUBLIC WRITTEN COMMENTS - PERMITTED TO HAVE ANY VALIDITY ? WILL ANY OCT 2, 1991 ACEC COMMENTS BE VALID ?

D. - OTHER THAN ACEC ITEMS AND TITLE II, MISSOURI, MONTANA "RIVER AREA" BOUNDARY ITEM - WITHIN BOOK -

✓ DOES SAID BOOK PROVIDE - THE NUMBER OF ENTITLEMENT LAND ACRES BY SCHOOL DISTRICT'S AS A REAL PROPERTY TAXING ENTITY - OR - A COPY OF THE UPDATE INVENTORY(S) - AS REQUIRED FOR

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THE FEDERAL EMPLOYEE - MUST BE - ACCOUNTA. LE FOR BOTH - THEIR ACTIONS OR NON ACTIONS - IN THEIR - COMPLIANCE WITH FEDERAL STATUTE'S - AND THEIR SELF COMPLIANCE AND ENFORCEMENT OF A GAG ORDER WHICH IS NOT - IN ACCORDANCE WITH ANY KNOWN LAW, ACT, STATUTE OR RULE AND REGULATION PUBLISHED IN THE FEDERAL REGISTER — 10/2/91 MEETING - AT MISSOULA HIGH SCHOOL'S

THE ENTIRE BOOK SHOULD BE - WITH-DRAWN - AND - REWORKED NOT FROM THE BOOK - BUT FROM THE APPLICABLE SECTION'S OF LAW'S THAT ARE TO PROTECT THE U.S. CITIZEN'S -

✓ AS - PROTECTIONS FOR PROPERTY - AS ESTABLISHED IN THE 5TH AND 14TH AMENDMENTS OF OUR U.S. CONSTITUTION —

✓ THE DEFINITION IN THE CIVIL RIGHTS ACT - OF PRIVATE PROPERTY RIGHTS

✓ AND PERSONAL PROPERTY RIGHTS AS DEFINED IN FEDERAL CASE LAW AND REGULATION -

✓ AND ETC.... AS PRESIDENTIAL ORDER 12630 3/18/88 - AND U.S. ATTORNEY GENERAL OPINION 1988 - WHICH MANDATED SPECIFIC GUIDELINES FOR FEDERAL AGENCY EMPLOYED PERSONS.

THESE COMMENTS: FROM JOE THOM - BOX 1061 HELENA, MT. 59624 - ON JUSTAMP NOT ACEC'S!!

Y-30 R. WHO EXTENDED THE 90 DAY PUBLIC COMMENT TIME PERIOD ON (ONLY PART OF BOOK-) TO DEC. 15, 1991 - ?

128B

UNDER —: 98-514 —
94-579 - AND IN PART JULY 25, 1991 - U.S.D.I. SOLICITOR'S OPINION ..... FOR RANGELAND'S....

✱ - 43 CFR - 1881 - P.L.72 — SO AS TO BE IN COMPLIANCE WITH - 1881.1-2 (b) (1) - ✱✱ -

✓✓

A-48 ARE ANY OF THE FEDERAL LAND'S AS DEPICTED IN BOOK FOR DISPOSAL — HAVE ANY SERIAL REGISTERS - AS BEING WITHDRAWN FROM ENTRY AND SETTLEMENT PURSUANT TO SEC. #1 OF THE TAYLOR GRAZING ACT - OR ARE ANY FEDERAL RANGELAND'S WITHDRAWN FROM ENTRY AND SETTLEMENT WITHIN THE SAID BOOK BOUNDARIES IF SO WHERE ARE THEY LOCATED ??? -

✓✓ - THE NAMES OF THE FEDERAL PAID EMPLOYEES WITHIN SAID FEDERAL AGENCY WHO (WHOM) WHILE BEING IN COMPLIANCE WITH - MARCH 18, 1988, PRESIDENTIAL EXECUTIVE ORDER 12630 - ANALYZED - THE FEDERAL LAND - STATUS - AS TO DOCUMENTED AND INVENTORIED — PUBLIC LANDS — AS - EXACT: WITHDRAWALS; RESERVATIONS, CLASSIFICATIONS, DESIGNATIONS, SEGREGATION'S AND SPECIFIC SECRETARIAL ORDER'S — THAT DID OR DID NOT AFFECT DISPOSITION

128C

PAGE #6

AS ## SHALL ## BE NOTED ON THE TRACT BOOKS AND PLATS —

VVV THE NAMES OF THE SAID FEDERAL EMPLOYEES WHO (WHOM) ANALYZED ..... THE ECONOMIC EFFECT OF 75 CENTS AN ACRE ON ALL FEDERAL ENTITLEMENT LAND ACRES - WITHIN COUNTIES AND THEIR SCHOOL DISTRICTS - ALSO WITHIN THE BOUNDARIES OF SAID BOOK - AS ANTICIPATED FEDERAL REVENUES - AT ALL MONTANA TAXING ENTITIES —

XX OR MORE IMPORTANT !! THE FEDERAL OFFICER(S) WHO MADE THE DECISION FOR THE PERSON'S OF THE AGENCY TO APPROVE THE ANALYSIS - STATEMENT OF THE WRITTEN AND PUBLISHED RESULTS OF THE PROCESS PROVIDED BY PERSONS BY NAME WHO (WHOM) WERE ANALYZING - THE EFFECTS [AFFECTS] OR IMPLICATIONS OF EFFECTS OF - FEDERAL EMPLOYEES POLICIES, DECISIONS - ## WHICH ARE A VESTED DUTY - REDELEGATED AUTHORITY OF THE SECRETARY D.O.I. AND/OR PUBLISHED JOB RESPONSIBILITY OF SPECIFIED OFFICERS ## - AS SIGNED AND DATE OF APPROVAL - RULES AND REGULATIONS ON THE →

128D

PAGE #7

(i) PRIVATE PROPERTY
(ii) PRIVATE PROPERTY RIGHTS
(iii) INVESTMENT BACK EXPECTATIONS OF INDIVIDUAL CITIZENS WITHIN THE PROPOSED BOUNDARIES IN BOOK — AND - WITHIN A. C. E. C. S —

I AM SURE - TO THOSE WHO ARE NOT FAMILIAR - WITH - THE SOME OF SELF- CREATED - BY LOCAL EMPLOYEES OF MR LUJAN - PROMULGATED PROCEDURES AS BEING - POLICIES — DECISIONS (HARD TO FIND MANY OFFICER SIGNED APPROVED DECISIONS) WITHIN MONTANA - PRESENTINGLY ALL THE PERSON OF A FEDERAL AGENCY -) RULES AND REGULATIONS THROUGH - A PROPER BOOK (PART OF BOOK) THEN THROUGH A SEPARATE PART OF SAME BOOK -

AND NOT IN COMPLIANCE WITH FEDERAL STATUES - TO BE UNDERSTOOD AND COMPLIED WITH BY ALL US CITIZENS - WHEN APPLICABLE - NOT JUST GENERAL PUBLIC CITIZENS OR NOT JUST FEDERAL EMPLOYEES OF MR LUJAN BUT - BY ALL - IF ERROR IN JUDGEMENT

128E

PAGE #8

EXISTS AS WRITTEN AND PUBLISHED MATTER CONTAINED IN ALL PARTS (PAGE #) OF SAID BOOK —

WE THE PEOPLE - AT THIS MEETING - MUST ONLY DO WHAT WE BELIVE IS PROPER — AND MAKE PUBLIC COMMENTS ACCORDINGLY -

THEREFORE: SINCE I JOE TROW, A U.S. CITIZEN HAS MANY COMMENTS — SOME AS QUESTIONS — SOME IN LEGAL TERMS - AND SOME IN ACRONYMS AND SYMBOLS -

I HAVE PUT THEM IN THIS ☒ WRITTEN FORM — AS PUBLISHED AND PROVIDED FOR VIEW BY ANY AND ALL U.S. CITIZENS WHO - WOULD REQUEST TO COPY THIS DOCUMENT —

AS A WRITTEN COMMENT —
AS A COMMENT - TO BE READ AND RECORDED -

AND/OR SPOKEN IN PART AND RECORDED AS TIME OF THE GENERAL PUBLIC PERMITS IF YOU WISH TO REQUEST ME NOT TO HAVE MY COMMENTS RECORDED - BECAUSE OF LACK OF YOUR TIME - THEN ALSO REQUEST THE ACTUAL RECORDER - TO TRANSCRIBE THESE PUBLIC COMMENT - AT THE END OR AFTER OPERATING →

Attachments are available for review in the Louisiana Digital Office.

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Land Apx. & Disposal -

The proposed plan calls for a dramatic increase in land acquisition by the B.L.M. Presently land acquisition is carried out as opportunity arise and exchange of B.L.M. lands for the lands to be aquired is the primary means of aquisition. This approach, while surely not perfect has the distinct advantage of basically maintaining the status quo of the tax base of the communityies where the exchange takes place.

The preferred alternative on p. 78 calls for a total aquisition of 631,719 acres while calling for disposing of 166,021 acres a net gain to B.L.M. of 465,698 acres, and a net loss to the affected tax bases of the same amount 465,698 acres. This loss of tax base would continue as long as BLM owns the land, and is difficult, given the perspective of the present, to visualize the return of these lands to private landowners and tax payers.

The plan states on p. 79 that exchange would be the primary means of aquisition. Here we must certainly ask some questions. 1. How do you exchange 166,021 acres of land for 631,000 acres of land. This is particularly hard to comprehend when you consider that a significant portion of the private land the BLM wishes to aquire is highly developed irrigated land such as that along the Judith River. This irrigated land has a market value easily 10 Times that of the unimproved rangeland that the BLM has to offer for trade. In addition a large portion of the 631,000 acres of private land the BLM would aquire is land that by its' location and quality has a much greater per acre value than the BLM land. This further increases the disparity in value between the two blocks of land.

A-6 A-11

To say that exchange will accomplish this lop sided transfer of private land to public land is certainly not a straight forward approach. Obviously over the period of time necessary to accomplish this extremely large transfer. Large amounts of taxpayer money will have to be used. When this is coupled with the loss of tax revenue to the counties, the lack of resource development on these lands once they are in Federal Lands, the transfer has a high cost. The massive amount of Federal dollars necessary to consummate the land aquisition, you have an extremely heavy net loss to central MT., and taxpayers in general.

This heavy loss is not necessary. It is not acceptable to the State of MT and certainly not to Central MT. I strongly urge the continuation of alternative A.

An additional comment is in order regarding land aquisition by BLM, approx. 68,000 acres of that land is slated to be farmed to raise crops to lure wildlife from private cropland. From this approach will most surely increase the number of Elk in the area. It is highly questionable if it will decrease private crop damage. Basically what will be done is to increase the acreage of desirable habitat for the wildlife. to assume that Elk in particular will find BLM crops more desirable is simply wishful thinking. In the Missouri Breaks the heavy concentrations of wildlife are always found adjacent to cropland, this will not change, we will simply have more Elk and private crop damage will continue as before.

Oil & Gas Dev.

D-2

Oil and gas development play a significant part in the economy of the area to be affected by this plan. The plan calls for very large changes from the present management criteria. Specifically under present management 3,221,201 acres are subject to Standard Management stipulations, 876 acres are subject to more stringent special stipulation. The plan calls for 2,409,481 acres to continue under standard management stipulation, but 1,748,321 acres to be placed under special management. this is an increase of 700%. There is

130A

absolutely no question that this will inhibit oil and gas development in the future. We must also consider that Federal and Private lands are intermingled all throughout the Bassette area. If federal lands in effect are not available for exploration, it greatly diminishes the potential economic viability of the entire area, for oil and gas development. Again we find opposed BLM policy that would adversely affect the economy of the region. This is not necessary, particularly in a time when our nation is running huge deficits with imported oil a large contributor. Alternative A as provided is environmentally sound and though restrictive does provide for Gas & Oil development. I strongly urge its continuance.

Riparian and Wetland Management.

A-10

The possible implication to livestock grazing on BLM lands from proposed Riparian mgmt. are very far reaching. Without question livestock grazing will be secondary to any real or imaginary Riparian concern. The plan states on p. 85 that all squired riparian areas will permit livestock only if they are compatible with Riparian Mgmt objectives. This means only one thing, livestock will be for the most part excluded from newly squired Riparian areas. I would point out that these areas are presently stocked with livestock. The loss of this grazing base will decrease livestock numbers which will in turn reduce the tax base of the area, and decrease the economic viability of the community. Here again we have proposed policy that not only is not necessary, it is clearly detrimental to the people who live and work in the resource area.

F-19

The wording of the management objectives and implementation of the preferred alternative on p. 83 make it perfectly clear that all existing AMPs with Riparian areas will be revised. The wording of this section is very clear. Riparian objectives will be met first, livestock objectives second. I submit that the criteria regarding riparian mgmt. is subjective and therefore subject to interpretation. Any manager, present or future would have the perfect tool to reduce livestock numbers in any allotment that contains significant riparian area.

I do agree that there is room for improvement in riparian mgmt., however it should be site specific in all cases. The allotment holder and BLM personell can surely address and correct problem areas as they are identified.

The definition of riparian area as presently used in the resource area includes silver sage as a riparian plant. It has already been clearly established that all types of mgmt. will be more restrictive in riparian areas. The inclusion of silver sage as a riparian plant vastly increases the total riparian area. The implications are clear. Certainly livestock numbers will be decreased to accomodate the stringent management criteria.

In addition the ability to control noxious weeds will be decreased. Present mgmt. practice allows only wick application of herbicides to noxious weeds a riparian area, a very slow, labor intensive practice that is not as effective as spraying. This definition greatly compounds the difficulty of control of noxious weeds.

The Missouri river corridor is riddled with patches of leafy spurge and spotted knapweed. Realistic control methods that are environmentally sound can control the spread of this cancer to adjacent private lands. Failure to do so will result in devasting losses to adjacent property owners. The loss of wildlife and livestock habitat is fully documented wherever heavy infestations have occurred. The resulting decrease in property values has also been fully demonstrated.

The BLM does not now have a noxious weed control program worthy of the name. Their failure to develop one is inexplicable, and can only harm the

130B

entire resource area.

Perhaps the best example of how far the BLM has strayed from its basic mission, the protection of the land itself, is this fact.

In 1991 the Lewistown District spent a total of $2000 for noxious weed control in the river corridor, from Fort Benton to Robinson Bridge, 149 river miles. At the same time the proposed plan we are discussing tonight has identified 631,000 acres for future acquisition. The paperwork on one land transaction alone will cost more than $2000. The failure of the BLM to control the river corridor while at the same time proposing to aquire massive amounts of new land is a devastating commentary on the agency's ability to manage the land it is now responsible for and to develop a fair workable plan for the future.

/s/ Dick Knox

(Typed exactly as received for reproduction in the final RMP/EIS.)

132

October 20, 1991

David Mari
District Manager BLM
P.O. Box 1160
Lewistown, MT 59357-1160

RE: EIS for Central Montana - July 1991

Dear David:

I am writing to you with regard to the EIS Draft that has been proposed by the BLM. I have a ranch in Judith Basin County and I am a very concerned landowner.

I respectfully request that the BLM remove all fee and state lands from this EIS and evaluate the BLM lands only. I explain in detail as follows:

1) Tax payers money was spent on this EIS that should never have been spent. They have no right to waste this amount of money on something that people do not want.

2) The BLM should refrain from writing EIS on any lands that they do not own. An EIS is only necessary on their lands or lands that are in the current process of acquisition.

3) Because of this document, these lands in the future will become a target for special interest groups and federal government which is absolutely what private landowners do not want.

I REQUEST AN IMMEDIATE REWRITE OF THIS DOCUMENT EVALUATING CURRENTLY OWNED BLM LANDS ONLY!

Thank you.

Sincerely,

Ivan Kercher
K-M Livestock Company
7130 South Poplar Court
Englewood, Colorado 80112
(303)721-7945

133

Dean Strand
1949 Rock Creek Road
Philipsburg, Montana 59858
October 22, 1991

A. Gene Miller, District Manager
BLM Lewistown District Office
Box 1160
Lewistown, Montana, 59457-1160

RE: Judith Valley Phillips Resource Management Plan

Dear Sir:

I will limit my comments to Square Butte as that is the only area being studied that I have lived and worked in so real qualified to comment on. I have owned land adjoining to nearly the top of Square Butte since 1942 and lived and worked in the area of Square Butte since 1957 so I am familiar with Square Butte.

Obtaining access, developing trails, and acquiring a limited amount of private land should be pursued on Square Butte. There is probably no place in Mont. with the unique rock formations, long range view (with little change since pioneer days), the abundance of wildlife, and vegetation. Tree trimming on top would greatly improve the quality of a hike on top.

Several years ago I offered to trade land and give a permanent access to the BLM so the public could enjoy Square Butte as I have done but the trade was blocked by the Montana Fish and Game Dept. an occasional elk was found on the land I wanted to receive in exchange.

In no way should land be acquired to increase the elk herd! All land around the Butte for several miles has been owned by private owner in a manner to make the area a game paradise. Most of it has been called an excellent condition by the U.S. Soil Conservation Service. A prominent Fish, Wildlife and Park biologist referred to the range around Square Butte as a virtual game factory. When distressed, the elk on the south, west, and north sides of the Butte head for Round Butte (on private land) for protection, not to Square Butte which has many dead end canyons that are death traps for elk and deer when hunted.

The present elk herd is around the Butte only because of the effort of the surrounding ranchers in restricting off road vehicles and not allowing any elk hunting for several years plus providing excellent winter range. Ranchers should not be penalized by increasing something that would not have been there in the first place without the rancher's help.

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page 2

The important game animal around Square Butte is the mountain goat. Where else can so many goats be seen with less effort and in as short a time? Every means possible should be used to maintain the goat herd in healthy condition. Half of the goat permits in District 4 this year are on Square Butte. The welfare of the mountain goat herd should definitely come first on Square Butte.

The consequences of stressing elk increase could very well scuttle all chances of cooperation on the more important issue.

Youre truly,
Dean Hoon

135

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 12TH AIR FORCE (AFSC)
REGIONAL ENVIRONMENTAL COORDINATION CONTROL REGION
DAUGHTRY STREET, ROOM 209
DALLAS, TEXAS 75236-2253

23 OCT 1991

Mr. Robert M. Lawton, State Director
Bureau of Land Management
Montana State Office
222 N. 32nd Street
P.O. Box 36800
Billings, Montana 59107-6800

Dear Mr. Lawton

Thank you for the opportunity to comment on the Resource Management Plan and Environmental Impact Statement for the Judith-Valley-Phillips Resource Areas in the State of Montana.

Our review indicates that several Air Force military training routes presently traverse the study area (See attch). No conflicts are known to exist between the missions of our respective agencies. We have no specific comments to offer except to express concern for the effect your land management decisions might have upon the continued military use of this special use airspace, the established routes and establishment of future routes.

Military training routes and airspace requirements are subject to change, although it is not anticipated that significant changes to these routes will occur in the immediate future. Mission requirements, fuel costs, and environmental constraints all contribute to decisions made in locating a military training activity. Because of general restriction and population pressures, low altitude, high speed flights are relegated to those areas least accessible and sparsely inhabited. Therefore, we would appreciate your full consideration on how the planning and management decisions of your agency might adversely affect the use of low altitude airspace by the Air Force.

As the Air Force's regional point of contact for such matters, we are available to assist in establishing liaison between your office and the appropriate Air Force activities should a conflict ever arise. We hope this information is useful to your planning process. Thank you for the opportunity to review the document provided. I look forward to the continued communication with your office. If additional information is needed, please contact me at (214) 767-4668 or FTS 729-4668.

Sincerely

RAYMOND BRUNTON
Regional Compliance Office
Central Region

Atch
Training Route Map

Cy to: HQ USAF/CEVP
BLM District Manager
HQ SAC/DOXA/DOXOS/IGX

Attachments are available for review in the Lewistown District Office.

134

Lewistown, Montana
Box 704
October 24, 1991

Bureau of Land Management
Lewistown District Office
Airport Road
P.O. Box 1160
Lewistown, Montana

Attn: B. Gene Miller
Acting District Manager

Dear Sir:

With reference to draft RMP/EIS: please be advised that I do not wish to participate in a BLM land exchange. Will you please remove my lands from the end use table dealing with consolidation and disposal in the final RMP/EIS. Thank you.

Sincerely,

Golda H Leininger

136

Oct. 24, 1991
Patrick E. Olson
Box 683
Malta, Mt. 59538

Lewistown District Office
PO Box 1160
Airport Road
Lewistown MT, 59457-1160

Dear Mr. B. Gene Miller

In response to your letter I'd like my land removed from your maps and table. I'm not interested in any kind of exchange.

Sincerely,

Patrick E. Olson

137

October 24, 1991

Judith River Farms
9 Rt 1 Box 15868
Lewistown,Mt 59457

Gene Miller
Bureau of Land Management
Airport Road
Lewistown,MT 59457

Dear Sir:

I-5 As the Judith Valley RMP/EIS Plan. We believe it is illegal for the Bureau of Land Management to designate private land under this plan. Please lift the Class 2 designation from Judith River Farms and send us acknowledgement of same.

Sincerely,

M.H. Stalmaster

Frank M. Thompson

138

CT+C?

F.M.Thompson

139

CT. Falls, MT
10-28-91

Dear Sirs:
I'm not going for your proposed land swap. JVP 1616.08
Yours
/s/ Robert H Welch

R. H. Welch
1501 32nd Ave. S.
Great Falls, MT 59405

(Typed exactly as received for reproduction in the final RMP/EIS.)

140

28 October 1991

My land in the JVP draft is not
for sale or exchange.

Ellie Lein
ERLIE LEIN
Box 337
Stg, Mont 59741

141

Malta Mt.
Oct 28 1991

B. Gene Miller
Acting District Mgr.

Dear Sir

I was not aware that I owe any land anymore as I sold my land to my son, Boyd Lemer, who now lives on Big Timber. He in turn sold to Don Simonson. However I do retain mineral rights on all land that I did own.

I guess you are free to do whatever you wish in this matter.

Sorry I didn't answer sooner

Sincerely
Grace Lemer
Box 1946
Malta, Mt.
59538

142

SQUARE BUTTE GRAZING ASSOCIATION
Malta, Montana 59538

28 Oct 1991

Gene Miller
BLM
Lewistown, Montana

Subject: Judith Valley-Phillips
Resource Management Plan
Environmental Impact Statement

Dear Gene

The membership of Square Butte Grazing Ass'n (24 members) feel very strongly that the government, both state and federal, should not be acquiring any more land. If anything they should dispose of some of the land they presently control.

We recommend absolutely no net gain of land as suggested in your Resource Management Plan, and disposal of present lands that are not economically manageable.

Respectly

Russell Lafond

Russell Lafond
Sec/Treas/SBGA

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

FISH AND WILDLIFE ENHANCEMENT
FEDERAL BUILDING, US COURTHOUSE
301 S PARK
P O BOX 10023
HELENA MT 59626

M.02 Judith-Valley-Phillips RMP

October 30, 1991

Memorandum

To: District Manager, Bureau of Land Management, Lewistown District, Lewistown, Montana

From: Montana State Supervisor, Fish and Wildlife Enhancement, USFWS - Helena, Montana

Subject: Biological Assessment for Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement

This memorandum provides the Lewistown District, Bureau of Land Management (Bureau) with the Fish and Wildlife Service's (Service) concurrence with the "no effect" finding of the biological assessment for the proposed Judith-Valley-Phillips Resource Management Plan for bald eagle, peregrine falcon and piping plover.

The Service finds, based on information in the biological assessment, that a "may effect (beneficial)" finding rather than a "no effect" finding for black-footed ferret is warranted. Since the Resource Management Plan provides an adequate prairie dog habitat allocation for potential black-footed ferret reintroduction and no adverse affect to the ferret are identified in the biological assessment, the Service has determined, pursuant to 5402.13(a) of the 50 CFR, that formal consultation is not required.

This determination is based on the following proposed management actions:

(1) Bureau will provide 12,345 acres of prairie dog habitat for black-footed ferret reintroduction.

(2) Bureau land identified for reintroduction of the black-footed ferret would be designated an Area of Critical Environmental concern.

(3) Bureau, in cooperation with the Service and Montana Department of Fish, Wildlife and Parks (MDFWP) would maintain the existing prairie dog habitat and distribution on Bureau land within the 7 KM Complex based on 1988 survey.

(4) Bureau would support maintaining prairie dog towns on Charles M. Russell National Wildlife Refuge (CMR), Department of State Lands (DSL) and private lands within the 7 KM Complex.

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(5) A Cooperative Black-footed Ferret Reintroduction and Management Plan will be developed with affected landowners, Bureau, CMR, MDFWP, DSL and Service.

(6) Prairie dogs on Bureau land outside 7 KM Complex are non-essential to black-footed ferret recovery and would be maintained at existing (1988) survey level or controlled based on values other than the ferret.

If after public review and comment, the final Judith-Valley-Phillips Resource Management Plan is changed so as to have effects on threatened or endangered species other than those described in your October 9, 1991 biological assessment, a revised biological assessment will need to be prepared. The Service will then issue a letter of concurrence/non-concurrence for the revised biological assessment. Also, if the management actions listed above are changed or are not fully implemented, informal consultation with the Service should be reinitiated.

We appreciate your efforts to ensure conservation of these threatened and endangered species as part of your responsibilities under the Endangered Species Act, as amended.

DMC/ndg

JUDITH.MEM

cc: Billings Sub-Office, USFWS, FWE (Billings, MT)
Area Manager, BLM (Malta, MT)

"Take Pride in America"

144

Lewistown, Montana
Nov 90a 59457

October 29, 1991

Bureau of Land Government
Lewistown, District Office
Airport Road
P.O. Box 1160
Lewistown, Montana

Attn: H. Gene Miller
Acting District Manager

Re: RMP

Dear Sir:

In my letter to you dated October 28, 1991, I failed to list the legal description of my land that I wish to be removed from the Snowy Mts. Grazing Areas.

The legal description is as follows:
T. 20N. R. 19E Section 12, ALL
T. 20.N. R. 17E Section 20 NE NE

Sincerely,

Golda M. Letzinger

Golda M. Letzinger

145

Ekkil Anderson
Mining Geologist
Post Office Box 846
Spokane, Washington 99210

The Socialist lobby is silent - replaced by the extremes of the environmentalists who have taken up its positions of more Federal controls - less private ownership.
Gorbachev, trying to to the other way, can't believe it.
Your proposed ACEC's are one more throttling step for the U.S. economy.

(Typed exactly as received for reproduction in the final RMP/EIS.)

Attachments are available for review in the Lewistown District Office.

146

29 Oct 91

Gene Miller
BLM
Lewistown, Mt

Dear Gene

I don't agree with your preferred alternative's as suggested in your Resource Management Plan. The government owns way to much land now. I am against the government acquiring as much as even one more acre. If you don't have access to land or can't manage what you already have dumbol of-sell it.

Since you do not propose an alternative to reduce government ownership and control of land I have to suggest alternative A. At least that would restrict your expansion policies.

Russell Lafond

Russell Lafond
Big Timber, Mt

147

Peterson Ranch & Feedlot

Gerde D. Peterson
Box 73
Winifred, MT 59489
(406) 462-5473 Office & Shop
(406) 462-5543 Ranch House
(406) 245-4625 Res. Billings

30 Oct. 91

Bureau of Land Management,
Lewistown District Office,
Airport Road,
P.O. Box 1160,
Lewistown, Mt. 59457

Dear Mr. D. Gene Miller:

In response to your letter of 18 Oct. 91. I do not wish to participate in the BLM land exchange, and want you to remove the lands that Peterson Ranch & Feedlot owns from your land exchange proposal, Attachment 7, Arrent, Sourdough Creek North, 157.60 acres.

Sincerely,

Gerde D Peterson, Pres.,
Peterson Ranch & Feedlot

Attachments are available for review in the Lewistown District Office.

148

Box 25
Gerdine, MI 59446-0025
Oct 20, 1991

B. Gene Miller
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller

Thank you for your letter of Oct. 18. It was reassuring to hear that BLM does not plan to condeen land to acquire it. With the Niobrara Wild and Scenic River bill taking a quarter mile along the Niobrara River in Nebraska and the Missouri in South Dakota, it's not surprising that landowners are nervous about something similiar happening in Montana. Landowner rights seem to be under attack more with each new legislative session.

Q-14 Your letter acknowledged that we own land that the BLM would like to acquire. However, I can't find our name on the list of those leasing public lands in the Resource Management Plan. I believe the Postal allotment on page 421 of the Resource Management plan should be divided between my brother, Pat, and myself. We purchased the Postal land and took over the BLM leases through the Farm Credit Services in Great Falls. Pat leases the northern part and we lease the southern BLM land.

A-8 Some of our BLM leased land is marked for disposal on your map. We are interested in buying it, so please keep us informed. I assume that lessees have first chance to buy; is that correct? I also assume that we will not be forced to sell private land in order to buy BLM marked for disposal.

We are not interested in selling any land along Arrow Creek, so please remove our name from your acquisition map and table.

If you need further information to correct the maps and list, please contact us. My phone number is 727-4225.

Sincerely,
Charles Bronec
Jeanne Bronec
Charles and Jeanne Bronec

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Bureau of Land Management
Malta Montana

Oct. 31, 1991
Malta Mont

Dear Sir

At the present time we are not interested in being a willing seller or interested in trading any private land. We are satisfied with the progras of exchange of use, as written in our current AMP.

However you have three parcels of isolated land that we are interested in squiring if they are offered for sale.

Sincerely,
Bartholmess Ranch
/s/ Lee Bartholmess

(Typed exactly as received for reproduction in the final RMP/EIS.)

152

Adele Cummings

P.O. Box 1296
Malta, Mont. 59538

Nov. 1, 1991

I do not choose to participate in a BLM land exchange and request my land be removed from the map and table dealing with acquisition and disposal in the final RMP/EIS.

Thank you,
/s/ Adele Cummings

(Typed exactly as received for reproduction in the final RMP/EIS.)

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October 28, 1991

B. Gene Millar, Acting District Manager
Bureau of Land Management
P.O. Box 1160
Lewistown, MT 59457

Dear Mr. Miller:

As per your letter attached I would like the land I own in Section 35 in T17N, R17E removed from your acquistion proposal concerning the Judith Valley Philips Resource Management Plan and Environmental Impact Statement. The legal description is:

T17N, R17E - Section 35: N½NW¼, SE¼NW¼, N½NE¼, SE¼, E½SW¼

Thank you.

Sincerely,
Samuel K. Phillips
Samuel K. Phillips

Attached letter dated October 18, 1991; JVP 1616.08

Attachments are available for ...ew in the Lewistown District Office.

155

DRAFT

COMMENT FORM

Judith Valley Phillips Resource Management Plan

(Please Print) Name	Address	Date
STAN WULKOWICZ	909 SOUTHAMPTON ANCHORAGE ALASKA	1 NOV '91

RE: IN REGARD TO OFF-ROAD VEHICLE USAGE – AS A VISITING HUNTER TO PHILLIPS COUNTY HERE IN MONTANA, IT IS MY FEELING THAT THE OFF-ROAD USE OF VEHICLES TO SEEK OUT AND OFTEN RUN DOWN GAME ANIMALS (DEER + ANTELOPE) SHOULD BE DISCONTINUED. HUNTERS C-5 SHOULD BE ALLOWED TO RETRIEVE GAME TAKEN AWAY FROM THE ROAD SYSTEM. BY ADDING TO THE GAME TAG, A TIME OF KILL, IN ADDITION TO DATE OF KILL; ENFORCEMENT OF OFF-ROAD VEHICLE USAGE WOULD BE MANAGABLE. OFF ROAD VEHICLES WOULD EITHER BE GOING TO A KILL OR RETURNING WITH RECENTLY KILLED AND TAGGED GAME ANIMALS.

#2 SET ASIDE DESIGNATED AREAS FOR DOE + 4 POINT OR BETTER BUCK HUNTING – NO SMALL BUCKS – THIS WOULD INCREASE (IN TIME) THE NUMBER OF LARGER BUCKS AND INCREASE ENJOYMENT OF HUNTERS OBTAINING LARGER DEER.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

157

Margaret R. Moore
Box 806
Lewistown, MT 59457

Nov. 2, 1991

After reading, listening and thinking I concluded that in the overall it makes little difference whether present management continues or via your choice a minute step ahead is taken in the protection of lands and resources held in public trust. The strongest protection for the sensitive resources of the Judith Mountains is offered on p 69 of the draft and even it may not fully protect the burn areas. As it stands under your preference the Judith Mountains have only partial increased protection of sensitive resources. Though I can appreciate the concept of a scenic edge (the south Judith viewshed), it can be compared to seeing the edge of a beautiful pie crust that one finds has no filling when one looks within.

One phrase I strongly disagree with is "and reclaimed to natural conditions." Wouldn't natural conditions be created by natural processes or near natural processes? Once totally disrupted a mountainous terrain by its very nature is unreclaimable to natural (original) form and/or conditions. Reclamation is a simulated natural condition in some form. I cannot believe otherwise for time has not told it so. E-7

Two good ideas that developed within the planning processes were the Maiden Canyon Road Back Country Byway (p 19) and the US 191 Scenic Area (p 69). US 191 Scenic Area fits nicely with the ending of water craft trips down the Missouri River, with Slippery Ann for wildlife viewing and with the Missouri Breaks Back Country Byways.

/s/ Margaret R. Moore
November 2, 1991

(Typed exactly as received for reproduction in the final RMP/EIS.)

156

DAVID C. CONLEY
202 Sioux Trail
Woodland Park, CO 80863
(719) 687-6274

October 31, 1991

Mr. B.G. Miller
Associate District Manager
Bureau of Land Management
Lewistown District
Lewistown, Montana 59457-1160

Dear Mr. Miller:

I recently read that the Bureau of Land Management had issued an environmental impact statement addressing federal mineral rights in Judith Basin, Ferguson and Phillips Counties, Montana. Included within the EIS is a proposal to create Areas of Critical Environmental Concern where mining might be required or prohibited because any mining development would be visible from a nearby population center.

I would be quite interested in reviewing the criteria proposed by the BLM to identify the Areas of Critical Environmental Concern. My interest arises, in part, from an initiative to amend the Colorado Constitution that was circulated in 1990. That initiative proposed to prohibit aggregate quarries which would be visible from a nearby population center, highway or designated trail. Although the initiative was withdrawn, a number of counties along the Front Range in Colorado are considering proposals to enact local land use controls that would have the same effect.

I suspect that the entire EIS is quite lengthy and in order to avoid the expense of purchasing it, I am wondering if there is a summary which I could review. Having shared with you my interest in the EIS, perhaps you could recommend what portion of the document would address my questions. Please feel free to contact me at (719) 475-1014 or to mail me the EIS summary and bill me for copying and postage costs.

I look forward to receiving the document. Thank you for your assistance on this matter.

Sincerely,

David C. Conley

DCC/gad

158

Irv Benzion
3924 240th Place S.E.
Issaquah, WA 98027
(206) 391-7702

October 31, 1991

B. Gene Miller, District Manager
BLM Lewistown District Office
P.O. Box 1160
Lewistown, Mt 59457-1160

Dear Sir:

I am writing in response to your solicitation for comments regarding the Judith, Valley, Phillips, Resource Management Plan, Environmental Impact Statement. In my opinion Alternative E (Preferred) is the best, most cost effective and correct choice. I am totally and unequivocally opposed to the poisoning of the prairie dog.

In the company of a number of my friends, I travel approximately 2,000 miles each year to assist in controlling Montana's prairie dogs. I, as do my comrades, look forward with anticipation all year to the approach of summer and our annual trek to the "Big Sky" country. At such times we are afforded an opportunity to renew old friendships made over the years and to enjoy the beauty and grandeur of Montana and its wildlife.

In reading the Environmental Impact statement, it would seem that the financial contribution to Montana's economy is grossly understated. The number of dog hunters who travel to Montana from all over the United States has increased dramatically. The BLM should be aware that many do not stop and register at the Malta BLM office. For this reason I feel that number of hunters and the amount of dollars funnelled into Montana's economy by those hunters found in the Impact Statement are extremely conservative. H-18

To some, the shooting of varmints, hence the killing of an animal not to be used for food, is a reprehensible act. I feel the contrary is correct, for the true sportsman is a conservator; who sees animals as a reusable, replenishable resource, harvestable at times and in need of protection on other occasions. Because of man's involvement, mother nature's natural order of things has been comletely uprooted. The reduction and/or elimination of predators has increased the population of many species and therefore, without man supplanting those predators, overbreeding and starvation follows as habitat can not support their numbers. Or, as in the case of the prairie dog, man's predilection to eliminating anything that competes with his use of the land has

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preeminence to many.

The common linkage than is that men must interpose his will to bring nature back into equilibrium. Increased varmint populations are a depredation on the land. Where one cow needs one acre to graze, add the prairie dog and ten acres are needed to provide that single cow with sustenance. In addition, the prairie dog places livestock at risk due to their propensity of digging holes into which unwary cattle may amble, the result -- a broken leg.

A balance needs to be struck and what's needed is a method to control the growth of the varmint population without totally eliminating them. The use of poisoning is not a viable alternative -- it does not control, it obliterates all of the diminutive creatures. When poison is used, death is indiscriminate; since it does not allow for only a portion of the dogs to be destroyed. As a control procedure it is a total failure.

Most importantly, sport shooting when used to control varmint infestation does exactly that. According to the local BLM biologists, sport shooting only reduces the size of a colony and shooting will never cause the extinction of the specie.

As an aside one should remember that when the pioneer and mountain man traveled across our nation the prairie dog was here to greet them. It would be a terrible shame to destroy one of our country's original inhabitants.

Enter then upon the ecological stage -- man, who supplants the varmints natural predators and cuts the varmint population, removing only a portion and not the whole. Man also benefits since varmint shooting is a sport. He revels in discussing with his companions the selection of equipment, spends hours learning about ballistics, and more hours at reloading bench and range searching for that just right combination of bullet and powder. Time is spent to discover the habits of his quarry, how it lives and how it procreates. He relishes the times spent in the field, memories filled with camaraderie that circumvents age, monetary and educational station, and which builds a closeness that defies description.

Man has the opportunity of observing nature close up, seeing the beauty and wonder of the Maker's creation first hand, not on a screen nor on a printed page. I only wish that I could communicate to you the emotion I have felt at the beauty of a herd of 40 antelope running by and having one stop and transfix me, the "Loper" and I taking the measure of each other, time standing still.

As time passes and as the popularity of "dog shooting" heightens I find the quality of shooting naturally declining due to the increased number of shooters. Soon it may be necessary to install a seasonal limit to maintain the quality of shooting that is now available. One avenue might be to not allow shooting until June, giving the pups a chance and ending in late September. This program

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could easily be administered by Malta BLM office and adjusted up or down as the dog population fluctuates.

I feel that the Malta BLM Office and its personnel should be highly commended for their generation and implementation of the current program to control the prairie dog growth problem by the use of sport shooting. In addition, their friendliness and helpfulness are a tribute themselves, the Bureau of the Interior and their superiors at the BLM. Thank you for considering my comments.

Sincerely,

Irv Benzon

cc: Chris Erb
Phillips County BLM
P.O. Box B
Malta, MT 59538

160

E. Kenneth Elkins
2619 Falcon Dr. N.E.
Cedar Rapids, Iowa 52402
November 3, 1991

B. Gene Miller
Acting District Manager
Bureau Of Land Management
Lewistown District Office
Airport Road
P.O. Box 1160
Lewistown, Montana 59457-1160

Dear Mr. Miller:

I am writing in reference to your letter JVP 1614.06, dated October 18, 1991 and Chuck Otto's letter 1614.08 JVP received last June.

I choose not to participate in a BLM land exchange. I ask that you remove my land (NE1/4SE1/4 of Section 1, T.16N.,R.22E.) from the map and table dealing with acquisition and disposal in the final RMP/EIS.

Sincerely,

E. Kenneth Elkins

E. Kenneth Elkins

161

David R. Paley
160 Briarwood Lane
Helena, Montana 59601
(406) 449-3724

November 4, 1991

B. G. Miller
Associate District Manager
Bureau of Land Management
Lewistown District Office
Lewistown, MT 59457-1160

Re: Judith Valley Phillips Resource Management Plan EIS

Dear Mr. Miller:

As a member of the mineral exploration community in Montana I am writing you to express the following concerns about several provisions of the Judith Valley EIS:

J-10 The Area of Critical Environmental Concern (ACEC) designation for the Lewistown Scenic ACEC is not necessary to protect the public, nor does it reflect a determination that economic development is a high priority of Fergus County residents. Mining is a temporary use of the land. Reclamation, when completed, will restore vegetative cover to the area affected. Withdrawing land from mineral entry just because mineral development disturbs the land establishes a bad precedent.

The Collar Gulch ACEC designation is not needed to protect cutthroat trout habitat. These trout are not threatened or endangered, and do not warrant special protection.

Creating ACEC's circumvents the BLM's mandate to manage public land within its control. Prohibitions which result from such a designation prevent site specific management.

Thank you for you thoughtful consideration of these issues.

Sincerely,

David R. Paley

162

Dean Strand
1949 Rock Creek Road
Philipsburg, Montana 59858

Nov 2, 1991

Chuck Otto
US Dept Int
Lewistown, MT

I would like the following lands withdrawn from any consideration of trade. All lands around Sq Butte

SW¼SW¼ sec 17, T20N, R 11E	
Lots 3 &4, NE¼SW¼ sec 18, T20 N, R 11E	
Lots 1, 2 & 3	sec 19 T20N, R 11E
SW¼SW¼	sec 28 T20N, R 11E
Lots 3 & 4	sec 29 T20N, R 11E

The other lands are open for negotiation.

Sincerely,
/s/ Dean Strand

(Typed exactly as received for reproduction in the final RMP/EIS.)

164

WICKS RANCH CORPORATION
Box 2210, Rt 2
Lewistown, Montana 59547

November 4, 1991

BUREAU OF LAND MANAGEMENT
LEWISTOWN DISTRICT OFFICE
Airport Road
P.O. Box 1160
Lewistown, Montana 59457-1160

Concerned with RMP 1616.08

Re: Miller

We were pleased to get your letter dated October 18, 1991 stating that we can have our land removed from the maps and tables of the RMP/EIS dealing with Acquisition and disposal. We were further pleased that you stated in print that the BLM will not condemn to acquire land to further this plan.

There were, however, some points in your letter that we take exception to. In your first paragraph you use the word discussed in describing your letter in June. Nobody ever talked to us about this plan, what lands were involved, what our options were, or what your objectives were. Your letter came as a complete shock and informed us of the above but nobody sought our input into the planning that was done on our land or for that matter done on the private land in this area. Common courtesy would indicate that we should have been notified before the planning took place and that we should have been involved in the process. Discussions imply a give and take of ideas and that just didn't happen.

The last sentence of the third paragraph, "Others are fearful that identification of their lands on a map or table will eventually lead to condemnation." doesn't go quite far enough. We are also concerned that the inclusion in this plan will adversely affect land prices.

In your fourth paragraph, you stated that the BLM has consistantly said that all acquisitions would be with willing landowners and that this RMP/EIS would not use condemnation for acquisitions. This letter is the first time I have seen that statement in print. For that matter it is not perfectly clear to me that the BLM will not use condemnation to get what it wants sometime in the future, just remove the plan.

We do want all of our land to be excluded from the final RMP/EIS. In attachment 1 of the original letter the BLM described two lots of ours it is interested in, they are T.16N.,R.10E., Section 18, Lots 7 and 8. Because of the many errors in the plan and because

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Oct 29, 1991

Request to remove these acres from RMP 1st.
T.20N, R17 E.
Section, 21, SW¼;
Section 28, NE¼ NW¼, SW¼ NW¼, W½ SW¼;
Section 29, SW¼ NE¼, SE¼;
Section 32, NE¼;
Section 33, W½ NW¼;

Hobe Hamke
Laura Warneke

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Lots 7 & 8 are not even in the mountains. I am including the legal description of the land that I think you are interested in and that we also do not want included. They are in T.16N.,R.17E., Section 13, Lot 7, and Section 24, #1/2NE1/4.

Sincerely,
Jim D. Wicks
President
Wicks Ranch Corporation

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COMMENT FORM

DRAFT
Judith
Valley
Phillips
Resource Management Plan

(Please Print) Name	Address	Date
Dept. The BLM	Helena, Mt. 59601	Oct 21, 1991

We hunters, hike, pack in, and camp in the Judith Mountains for the first several years and observing many of the hunters & others in the following ways:

1) Extra vehicle tracks to established roads except for retrieval of downed big game (using the hunting season) and we are told game is scarce.

2) Less incidence of camp fires (and subsequent fire scars) in the areas to receive the growth of Douglas Fir and juniper.

3) Less litter in the Wall Creek Basin and other areas frequented by hunters.

4) Less human disturbance of wildlife during the hunting season.

5) Less vandalism to hunting camps.

6) Less noise from vehicles.

7) Less human disturbance of big game during the hunting season.

8) Less human disturbance of wildlife in the areas to receive the growth of Douglas Fir and juniper.

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Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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LCM, Ltd.

P.O. Box 50124
Billings, MT 59105-0124
(406) 245-9031

*P.O. Box 596
c/o 97th St., Suite 1910
Denver, CO 80201-0596
(303) 623-3122 FAX (303) 595-8547

P.O. Box 3687
Austin, TX 78764-3687
(512) 480-0888

October 15, 1991

Robert Lotten
State Director
BLM
P.O. Box 36800
Billings, MT 59107-6800

RE: EIS for Central Montana

Dear Bob:

As per our phone conversations this morning, I am following up with a written letter to you personally. I am respectfully requesting that the EIS for Central Montana include BLM Lands only.

I explained in detail my reasons this morning and I want to reiterate them as follows:

1) The EIS should be on BLM Lands only; No private lands need to be included and evaluated.
2) If there is a potential sale of private lands to the BLM, then they can evaluate it and write and EIS at that time.
3) This document, however, innocent now could possibly in years ahead become a target for acquisition by the government or special interest groups if allowed to stand. None of the private land owners want this!!!
4) The expense of writing this document on non-BLM lands was substantial and should not be done in the future anywhere.
5) These are families home and ranche that they have had in the family since patent. They do not need to be included in this report in any way.

I therefore respectfully demand that all private and state lands be removed from this report and that the BLM manage, evaluate, and work with their lands only.

Thank you again for your time and consideration in this matter.

Sincerely,

Joan K. McCormick
Partner

enclosures

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Mrs. M. Fenelk — 716 First Avenue Box 1757 Havre, Montana 59501

B L M
Le latown, Montana
Gene Miller

Dear Sir:

Your letter of October 11th is hand.

I was not particularly interested in [illegible] but I thought I might see what you were considering. I am not really sure, right now, what I will do with [illegible].

If you do [illegible] I will be interested.

Yours truly

[illegible]
(Mrs. M. Fenelk [illegible])

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PEGASUS GOLD
CORPORATION

November 5, 1991

Mr. David Mari
District Manager
Bureau of Land Management
Lewistown District Office
Airport Road
P. O. Box 1160
Lewistown, MT 59457-1160

Re: Judith Valley Phillips
Resource Management Plan
Draft Environmental Impact Statement

Dear Mr. Mari:

As outlined in comments made during the public hearing in Lewistown, October 1, Pegasus Gold Corporation has several areas of concern regarding the Draft Environmental Impact Statement for the Resource Management Plan for the Judith Valley Phillips Resource Area. These include: reintroduction of the black- footed ferret, expansion of sheep and elk habitat, expansion of the ACEC mineral withdrawal area for Azure Cave, establishment of viewsheds, proposed wetland/riparian areas, and the format for presenting the land acquisition and dispersal information.

1. Reintroduction of black-footed ferrets

H-1 It is our understanding that the Phillips Resource Area has been identified as a site for reintroduction of the black-footed ferret. Will the BLM be required to prepare a management plan prior to ferret reintroduction similar to the one prepared in Wyoming to assure private landowners and public lessees that other land use interests will be protected? Maps contained in the RMP/DEIS and the draft ferret reintroduction and management plan written by the North Central Montana Working Group (September, 1991) indicate ferret reintroduction will take place south of Highway 191 in the vicinity of Saddle Butte. Our currently identified mineral resources will not be impacted by this proposal.

We remained concerned, however, with the potential for impact resulting from the ferret reintroduction program in the following way. The North Central Montana Working Group plan establishes a minimum acreage figure of prairie dog towns in the Phillips RA

555 North Montana • Suite 01 • Helena, Montana 59601 • Telephone (406) 449-0002 • Fax (406) 449-0005
A wholly owned subsidiary of Pegasus Gold Inc.

168A

(approximately 26,000 acres of prairie dog towns, 3,308 acres of BLM surface). Within this acreage figure, 5,800 acres are on private land. If control programs on private land reduce the acreage below the optimum, these losses "...may be offset by corresponding acreage increase on federal land within the Reintroduction Area."(North Central Montana Working Group, 1991) The plan refers to 12,300 acres of BLM surface to be maintained for prairie dog acreage and quotes a BLM document regarding offsetting losses on private lands. "The loss of prairie dog habitat on private land may be compensated by developing additional habitat on BLM lands in the vicinity of the habitat lose." (USDI BLM, 1991)

It was difficult to determine the size of the acreage reserved for ferret reintroduction on BLM lands closest to our operations. The DEIS states that "After reintroduction, all activities which could impact the ferret or its habitat would require formal consultation with the FWS..." and that some activities near prairie dog towns identified for ferret reintroduction would be restricted (NSO restriction for oil and gas development). Reintroduction of the ferret may restrict surface occupancy of lands with potential mineral interests.

H-1 It does not appear that the BLM, USDFWP and NDFWP have a definite means of addressing black-footed ferret migration from the proposed 7-kilometer reintroduction area, even though the reintroduction area is south of any current or proposed EMI operations, without a clear-cut management and control plan, the entire southern portion of the county could be dramatically impacted. During the numerous public forums presented by the BLM, this concern was raised repeatedly, without e definitive answer from the agency.

2. Expansion of elk and sheep habitat

Pegasus Gold Corporation and its subsidiary, Zortman Mining Company, Inc., have been conducting investigations of wildlife populations in the Little Rocky Mountains since 1977. Establishing accurate estimates of wildlife populations and identification of critical portions of special habitat are crucial to important to our permitting efforts. We strongly object to the portrayal of both elk and sheep habitat in the Little Rockies for the following reasons.

Elk

G-4 The Little Rockies do contain potential elk habitat, but no resident herd currently exists (page 124). The DEIS does not elaborate the various reasons why a permanent herd does not exist; lack of security cover and illegal harvest being two major reasons. No evidence is generated why elk do not successfully pioneer in the Little Rockies.

The preferred alternative "...would allow for new elk populations in unoccupied habitat, where suitable forage is available..."(page

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86). It is unclear whether the BLM intends to manage the Little Rockies to maintain and/or expand elk habitat. But since other surface management options would not be changed, such as seasonal restrictions of OHV use (page 86), it appears that the BLM will continue to manage potential elk habitat in a manner that provides forage but not security for elk. Due to the topography of the Little Rockies, they will do so on their own or on private in-holdings such as the Zortman and Landusky mine properties.

One of the most disturbing aspects of the DEIS is contained in the management prescriptions for elk and bighorn sheep habitat outlined under the preferred alternative, which describes "...no-site mitigation or compensation would be provided for habitat loss. This may include habitat improvement or re-placement with comparable sites" (page 84).

The Montana Department of Fish, Wildlife and Parks does not propose to increase the elk population in the elk management unit which comprise the Little Rockies because of the lack of security cover, and degredation on private lands. With no systematic population data, other than invantories conducted on the portion of the range controlled by Pegasus, how can the BLM propose expansion of elk range which would be financially supported by the mining industry?

G-4

Bighorn Sharp

Similar, undocumented statements are contained in the DEIS regarding expansion of bighorn sheep habitat. The DEIS estimates that the bighorn sheep population is 60, the same number of animals used since the original baseline wildlife study in 1978-1979. The March 1991 aerial survey (cooperatively funded by BLM, EMI and NDFWP) which estimated 46 sheep, is the best bighorn sheep survey in several years, but is hardly a statistically valid population estimate.

E-8 The document contends that "Mining activities have decreased the yearling crucial habitat by 4%. The project area and exploration expansion (930 acres) would decrease yearlong habitat by another 8%." (page 121) Crucial habitat is defined as "part of the habitat necessary to sustain a wildlife population at critical periods of its life cycle" (page 241). This statement contradicts the 1990 Environmental Assessment jointly written by the Bureau of Land Management and the Montana Department of State Lands, which describes the potential impacts of construction of the Sullivan Park pod:

> Construction of the Sullivan Park heap would remove some 100 additional acres of big horn sheep spring/summer/fall range. Evidently, sheep have used Sullivan Park, Mill Gulch and Gold Bug Butte as summer range since the introductions in 1972. As mining facilities have expanded onto these areas, they have been lost to use by sheep. Most of the hard winters along the southern edge of the Little Rocky Mountains and in the foothills.

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> Occasional winter use has been reported on Gold Bug Butte. The proposed Sullivan Park amendment would have minimal additional impact on bighorn sheep summer range and no impact on the winter range. (page 39)

The conclusion of the environsental assessment was that the proposed expansion (on the Landusky side) would have minimal additional impact to summer range and no impact on winter range, the portion of a population's range most generally considered crucial. The expansion of the Zortman and Landusky mine operations into the nonoxide zones discussed under foreseeable future mining impacts would largely take place within or immediately adjacent to the currently permitted mining operations.

Again, the DEIS document is making statements unsupported by systematic field investigations or wildlife population trend data, and which contradict previously published statements. There is no evidence in the DEIS that BLM proposes to analyze any of its management alternatives to enhance habitat improvement for either elk or sheep. The unfortunate consequence seems to be that the agency will look to off-site compensation/mitigation for habitat loss, and off-site development of water sources from mineral developers.

3. Azura Cave ACEC

N-4 In the preferred altarnative, the BLM would designate 140 acres an ACEC to protect cave resources and potentially the northernmost bat hibernaculum in the United States. This is another exangle of a broad statement unsupported by scientific evidence. There has been no investigation of the Little Rockies to determine its bat populations; let alone identify Azura Cave as a hibernaculum of national importance. The BLM has no evidence to provide the basis for this statement. If mining claims in Pony and Alder Gulch are ever developed, the size of the ACEC could be of critical importance to Pegasus' Zortman operation.

4. Establishment of viewsheds

J-34 The proposed management stipulations to protect visual resources under the preferred alternative would create significant economic impacts to the Lewistown area. Natal mine production values contained in the EIS were dated 1987; prior to expansion of the CR Kendall mine. While minimizing impacts to visual resources is a desirable goal of any development planning, we are not aware of statutory provisions granting the BLM prescriptive rights to limit development to "protect" visual resources.

5. Proposed wetland/riparian areas

F-27 Searching throughout the text, no evidance can be found that the BLM has conducted any systematic evaluation of the proposed watlands/riparian areas identified for special improvement. Without conducting field evaluations of the proposed areas

168D

F-27 contained within the 368 allotments (containing 595 stream miles and 5,850 water sources), how can the potential for improvement or maintenance be substantiated? Where the BLM has the desire not to create or maintain a perpetual wetland; the field work has not been done.

In evaluating Appendix 9 of the DEIS, the BLM has identified a great number of sites for evaluation. Whether these will meet riparian objectives is unknown. Although these sites do not directly affect our operations, the scope of this proposal could create dramatic future consequences for other multiple users in the area; potentially affecting access, increased costs, and mining-associated disturbances. Once again, the document sets forth a sweeping proposal without the necessary evidence to support its conclusions.

6. The format of the DEIS

I have been reading governmental documents for over twenty years, and I have to admit that this was one of the most difficult ones I have tackled yet. Even after spending hours reviewing the document and discussions with members of your staff and our mine staff, I am still not sure I have the correct picture.

When we attempted to compare parcels proposed for acquisition under all alternatives with lands of interest to our operations, we had a very difficult time. The problem stemmed from the description of lands identified by parcel names being located in more than one township and range. For example, the Grouse Creek parcel is listed under T26N, R26E, but includes more townships, a fact which was only discovered after we obtained a printout of the legal description of the named parcel. The listing of the Phillips Resource Area on pages 258-263 is alphabetical by parcel name, making cross referencing legal descriptions very difficult.

Thank you for the opportunity to comment during the public hearing and in writing on the DEIS. We feel the document to contains seriously flawed, unsubstantiated information which could have harmful repercussions to our operations. I hope you will consider these comments and that the Final EIS will be e more accurate reflection of the facts.

Sincerely,

John S. Fitzpatrick, Director
Community and Governmental Affairs

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ROBERT E. COFFEY
Chairman/Assessor
Telephone
Assessor
Phone 429-5551

LOIS POULTON
Auditor/Tax Assessor
Phone 429-5311

COUNTY OF PETROLEUM

P. O. Box 226
WINNETT, MONTANA 59087

BRENDAN J. MURPHY, CHAIRMAN
PATRICIA WENNARTT, COMMISSIONER
WILLIAM G. BOLF, COMMISSIONER

BONNY L. ALLEN
Clerk and Recorder
Clerk of Court
Phone 429-5311

ROBERT BUSENBARK
Sheriff
Justice/
D.E.S. Coordinator
Coroner
Phone 429-5391

November 5, 1991

D. Gene Miller
Dist. Mgr., BLM
P. O. Box 1160
Lewistown, Montana 59457

Dear Sir:

The Petroleum County Commissioners wish to respond to the Judith Valley Phillips Resource Management Plan, Environmental Impact Statement of July 1991.

Your plan has several serious ramifications for Petroleum County. Petroleum County has finite resources with which to provide services in its residents.

Particularly four areas are of deepest concern:

1. Loss of private property resulting in loss of taxable valuation.
2. Loss of AUMs resulting in loss of taxable valuation.
3. Restriction on oil and gas exploration and production and loss of taxable valuation.
4. Uncontrolled increase in the elk population resulting in degradation of the land on both private property and BLM land and therefore, loss of AUMs.

We wish to work with all governmental agencies and do appreciate the relationship we have with the BLM. However, due to the adverse "impact" of your plans, we cannot support it and strongly request that private property acquisition, reduction of AUMs and restriction on oil and gas exploration and production in Petroleum County, and those alternatives that affect those areas be eliminated from your plan.

169A

Petroleum County relies on its agricultural base and oil and gas production for its operating revenue; tourism provides us with very meagher income.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS

Brendan Murphy

Brendan Murphy
Vice-Chairman

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District Ranger
Lewistown District BLM
Lewistown, Mt 59457

November 4, 1991

Dear District Ranger,

Please include these comments as part of the official record for the proposed Resource Management Plans. I am an avid outdoorsman and enjoy hunting, fishing, canoeing and photographing in much of the area in north central Montana. I am particularly interested in seeing a strong, positive land manage this area in a true multiple use way. That means acknowledging and protecting the "non-economic" resources of wildlife and wilderness that we are blessed with in Montana.

While canoeing the Wild and Scenic Missouri this year I was disturbed to see much of the area clearly heavily by cattle. The livestock certainly detracted from an otherwise wonderful trip down the river. I realize we must all share public lands and would like to see the BLM stand up to the ranchers who demand exclusive rights to this area by telling them that you have standards and guidelines that must be met to comply with the law. It was quite obvious that all the public land range was not in a good or improving condition.

There are a number of roads that should be closed because they are contributing to unnecessary erosion. In addition, I noticed ORV tracks that contributed to even more run-off on such an erosion-prone lands. There must be an ORV policy for controlling these marauding machines by keeping them only on roads. I have been hunting for about 18 years and I can't justify driving anywhere one wants to just to retrieve game. One must respect the impacts vehicles have on the land.

Furthermore, I support the ACEC designation for Judith, South Recession, Squaw Butte, Azure Cave, Hot Springs Bridge Coulee, Big Sand of the Milk River and Antler Gulch. These special areas must be afforded the protection we must have. The Wild and Scenic designation on the Missouri River has certain national attention to an area worthy of it. I would like to see the Judith River added to the national Wild and Scenic River system despite the heavy private land ownership patterns. I don't see this as an obstacle, since there is quite a bit of private land along the Rivercurt Wild River and that has not been a problem. Judith River has a tremendous number of unique values that deserve the protection of a Wild and Scenic River. Perhaps a land trade could be made to secure an access to the river where desired. I hope you will consider these points when making your decision on the future management of this important area. Please let me know what you decide.

Sincerely,

Meredith Taylor
Box 140
Blackfeet Hospital
Browning, MT 59417
Nov. 5, 1991

172

Armand Tobiller
1202 NW 7th, N.W.
Auburn, Wash. 98001

Dear Sirs:

I am writing to support the appeal aborting of Prairie dogs.

I spend a lot of money in the pursuit of my sport and I think poisoning will cost the ranchers who have had the population of dogs a lot of money in the long run.

I also think that it will wipe out a lot of animals who live on prairie dogs.

Sincerely

173

Cy Jamison, Dire. or of BLM
Department of Interior
18 and East Street, NW, Room 5660
Washington, D.C. 20240
(202) 208-3801

t. 19, 1991

Jan Abrahamson
Box 296
Malta, Mont.
59538

Dear Mr. Jamison,
I am writing to you asking for whatever help you may be able to offer us, in the Judith, Valley, Phillips Resource Management Plan Environmental Impact Statement, Draft Plan, that the BLM here in Phillips County has told us we are going to get whether we want it or not.

Y-35 We've had 3 meetings on the JVPRMP and did not come away from them feeling like our feelings or wants entered into draft. Why have these meetings if our voice doesn't count?

We do not want the prairie dog or any other endangered species introduced or reintroduced into our grazing as soon as the species wanders outside it's boundry, the private land will be a ENDANGERED SPECIES and we feel that the cattlemen are almost on the endangered species.

Cattle Free in 93 we do feel is getting to close to home. I feel the Fish & Game are to involved in the process & anything they manage doesn't leave a lot to be desired. CMR is proof of that and we live on the boundries of it.

Any help you can give us will be greatly appreciated I'm an enclosing a copy of my letter to the BLM on my feelings on the JVPRMPEIS. I do hope you take time to read it.

Thanks
Sincerely,

The enclosure is letter number 103.

174

Cy Jamison, Director of BLM
Department of Interior
18 and East Street, NW, Room 5660
Washington, D.C. 20240
(202) 208-3801

Oct3, 1991

Diane Holzhey
HC 86 Box 8135
Malta, Mont.
59538-9702

Dear Mr. Jamison,
I am writing to you asking for whatever help you may be a' e to offer us, in the Judith, Valley, Phillips Resource Management Plan Environmental Impact Statement, Draft Plan, that the BLM here in Phillips County has told us we are going to get whether we want it or not.

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Thanks
Sincerely,
Diane Holzhey

The enclosure is letter number 103.

175

Cy Jamison,Dire.or of BLM
Department of Interior
18 and East Street,NW, Room 5660
Washington, D.C. 20240
(202) 208-3801

Oct. 19, 1991

Don Holzhey
HC 86 Box 8135
Malta, Mont.
59538-9702

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Thanks
Sincerely,
Don Holzhey

175A

Judith Valley Phillips Resource Management Plan & Environmental Impact Statement Comments - September 1991

Prove to us that wilderness works - do a CMR study. Feed and water has depleted almost completely...Holly Flat (Town's Brothers and Istur Frank Locks place), used to have the best deer hunting in the Northwest on U.S. Bend due to all the feed in the nearby meadows and fields. Then when the F & W took over the Holly Flat, the Town's Brothers and Frank Lock started having others too numerous to mention, the management of the land is meaning buying, irrigating, etc. was no longer theirs. The wildlife dogs took over and the deer, elk and antelope moved closer to the farmers and ranchers for their existence.

They need more reservoirs in CMR and on BLM to keep the elk in the area. Most of the timbered area's have feed but the reservoirs are too small - the elk ate us out when the water holes went dry. 120 cow elk and their calves and 53 bull elk cleaned out our deeded Winter grazing in about 3 weeks ... we got paid real well!

Sage hen's in your JCPRMP, you say their habitat is gone, the fox and coon eliminated all our birds. We had pheasant hunters from all over - our grain fields were solid pheasant, sage and grouse. Now we see more fox than birds. We supply the feed and you claim the opposite. When the farmers and ranchers are gone - so is the game!

Game such as elk, deer, birds, etc., need three things - #1 water, #2 Feed, and some management out in the field, not behind a desk with a pen. I think its pretty cruel to the animals to move their feed (the ranchers) out - because those animals move or die.

Ed Hoss ripped some range by First Creek Hall. Is did magnificent - clover, grass, and more deer and cov feed than ever before. BLM furnished the cultivator and fuel, but was too broke to furnish the tractor. But they can spend millions on this Draft if it would have been put to use for more watersholes and range ripping, the multiple use benefits would have increased enormously!

Riparian - You say cows bother the nesting environment, our cattle are on summer range during the nesting period! Those geese and ducks eat thousands of dollars of barley, wheat and alfalfa seed each year - get rid of us farmers and ranchers and all you will have is the water, if that.

I would like to know what we did to deserve all this - because of people back east or west! Bring them out here to our environment and let us talk direct to those responsible - why let the BLM be the scapegoat! This is COMMUNISM not the AMERICAN WAY!!! Those people back east dressing up ideas like the JVPRMP are probably fed on full of propaganda as we are. We have no say about their heritage, jobs and livelihood.

175B

If this draft goes through, we have lost what our Fathers and Grandfathers and the present generation has worked for. We haven't hurt those people back east! Why are they hurting us?

My wife and I have paid over $200,000.00 in taxes the last few years, too support this kind of government control - THINK - Wake Up AMERICA, this happened to our forefathers that came over here to try to avoid (government control)!!!

Let's manage this land for MULTIPLE USE - spend, spend, spend has the taxpayers to the limit --

If you are wondering why I am so concerned, I have relatives that live where the spotted owl caused the loss of thousands of jobs, closed many lumber mills causing economic hardships - higher priced lumber, etc.

Montana has roughly 30 million acres of wilderness already. Not counting refuges, parks, so tell me these acres have been utilized to the maximum potential and more is needed so badly that you have to squeeze more out of the taxpayers!

You Mean AMERICA believes in putting good honest people off their land so millionaire hunters can come out here once or twice in their life to kill some wild animal that most of them don't and won't even eat!

This endangered Species Act comes up for reauthorization in 1992 Let's rewrite it so add some new amendments to it to stop the land grab in the process!

What happened to the backbone in America our congressmen tell us it's politics. Live a straight life and they will not be blackmailed into voting for something the minority wants just because they have money. We put our congressmen in office in good faith, and we do think it's about time you stand up for the people who put you in office!

In America doesn't a human's rights and land ownership come first above an endangered species?

If one person can put a animal on the endangered species act why cannot one person get rid of the endangered?

Phillips County has never had ferrets, there is not any proof of it ever having been in south Phillips co. so why do we have to have a endangered species planted where he has never been before? We don't want any endangered species! We the tax payers are endangered enough! there is plenty of room on CMR for their experiment. There was only 6000 acres in estestence where he was found and there is 10 times that many acres in CMR.

We saw the impact the spotted owl made in Oregon we sure don't need that to happen in Mont. due to the ferret.

I just finished reading in Get Beef Today that the government owns 724,066,170.9 acres so we do think the government has enough land to play with their endangered species without running the people out.

Don Kolzlay

178

RR 1, Box 13
Saco, Mt. 59261
Oct. 9, 1991

Cy Jamison
Director of BLM
Dept. of Interior
18 & East Street, N.W. Room 5660
Washington, D.C. 20240

Dear Mr. Jamison,

I am writing you concerning the Wetlands and Riparian Study done by the B.L.M. in Phillips County, Montana. We attended two meeting, so called hearings, concerning this subj. The first could have hardly been called a hearing. The second was better some what. We were all left concerned because F-1 of the omission of Prairie Potholes from the defined 3 point criteria of wetlands before it being defined as a wetland.

I am very concerned about the increasing encrechment of the Federal government upon land owned or leased by the private sector in this country. It seems to me that the Federal Lands now controlled by the U.S. government should be more than enough. Without the constant push to acquire more.

This makes me wonder why the U.S. government wants to compete with the private individual for the control of the land and also water.

These of us in agriculture have been long aware of the need to conserve our resources. Land is not being reproduced. We make our living (and that of many others) from the land. We take care of it and our water sources as well.

I don't believe it is in the best interest of our country to have the U.S. government the "largest land owner". We are a free country where individual Rights are suppose to be respected and maintained.

Sincerely,
/s/ Colgate & Tena Robinson

(Typed exactly as received for reproduction in the final RMP/EIS.)

177

South Hwy 191
Oct 17, 1991

Cy Jamison
Dept of Interior
Washington, D.C.

Dear Sir:
The BLM District Open-ing Livingston MT
EIS dated July 1991 targets selected
thousand acres of private land and
Custom Contract and Purchase.
It is ask that this office request this
statement to include only the exact
BLM. now managed. With mineral that
will break and state lands are excluded
and that no private land will be
targeted without written consent.

Signed Daily
Frankie M. Hyde
Grace M Hyde
Judith Mont 59443
HC 66 Box 845

179

October 10, 1991

Kenneth S. Truax
P.O. Box 907
Malta, MT 59538

Cy Jamison, Director
Bureau of Land Management, Dept. of Int.
18 and East Street NW., Rm. 5660
Washington, D.C. 20240

Dear Mr. Jamison,

It has come to my attention that there is a plan in motion whereby private lands will be obtained through purchase, exchange or acquisition and placed under the jurisdiction of the Bureau of Land Management.

As a lifetime Montana resident with roots that extend from the homestead through a lifetime of working with agricultural interests, I strongly object to this expansion of U.S. Government control and interference.

I must conclude that this plan will further the environmentalists aim to remove cattle from public lands and eventually turn Montana into a National Park, making native Montanans an endangered species.

I hereby express my objection to such a plan and ask your help in deterring its implementation.

Montana's landscapes and wildlife exist not because of tourists, sportsmen or government controls, but because of the generations of Montanans who have put their lives into nourishing the same land that gives them back their livlihood.

Your consideration of my objection and those of my fellow citizens will be greatly appreciated.

Sincerely,

/s/ Kenneth S. Truax

Kenneth S. Truax, Secretary Treasurer
Squaredutte Grazing Association
Cottonwood Grazing Association
c.c.
Senator Conrad Burns ✓
Senator Max Baucus
Representative Ron Marlenee
Representative Pat Williams

✓ Mountain States Legal Foundation
Western Environmental Trade Assoc.

181

Nov. 5, 1991

Mr. B. Gene Miller
Acting District Manager
Bureau of Land Management
Lewistown District Office

Dear Mr. Miller -

I am sorry I've been so slow in answering your letter of Oct. 18th, but I have been in the process of saving and trying to get settled in my new home. I do not wish to participate in a BLM land exchange so please remove my lands from the map. Thank you very much.

Sincerely,
/s/ Helen W. Goll
(new address) W193 N 16333 Lee Fox Circ.
Jackson, WI 53037

(Typed exactly as received for reproduction in the final EAY/EIS.)

182A

4. Two ACEC's have been set aside to protect areas for the introduction of the black-footed ferret. The BLM acknowledges that bentonite mining will be adversely affected by this action. Moreover, precious metals mining is occurring nearby and restricted by this designation.

F-16

5. About 3,500 miles of river is being studied for wetland and/or riparian management. The criteria for targeting these areas for special management is unclear, particularly in light of President Bush's new guidelines for managing wetlands.

This EIS sets dangerous precedents.

Please reconsider your action.

Thank you

Sincerely,

Ron Baldwin
President
Seattle Explosives, Inc.
A wholly owned subsidiary of
Explosives Technologies International

182

ETI

SEATTLE EXP. ETI, INC. A WHOLLY OWNED SUBSIDIARY OF

EXPLOSIVES
TECHNOLOGIES
INTERNATIONAL

November 6, 1991

Mr. B. G. Miller
Associate District Manager
Bureau of Land Management
Lewistown District Office
Lewistown, Montana 59457-1160

Dear Mr. Miller:

As an individual working for a company directly servicing the mining industry, I am concerned about the Judith Valley Phillips Resource Management Plan EIS.

1. It is the responsibility of the BLM to manage public lands within its control. Creating Areas of Critical Environmental Concern will allow the agency to abdicate that authority. Lands should be on a site specific basis without blanket prohibitions.

J-10
J-34

2. The criteria used to select the Lewistown Scenic ACEC is too subjective. This would withdraw about 4,600 acres from mineral entry simply because land disturbances can be seen from Lewistown. The Bureau of Land Management also has underestimated the economic loss to the community because it utilized data from 1987. However, since that time when $400,000 in mineral values were produced, C.R. Kendall has begun operations. In 1991 alone, the green value of the mine's production will exceed $1 million. Withdrawing this area from mining is contrary to the BLM's own determination that economics is the first priority of Fergus County residents.

3. The Collar Gulch ACEC would be designated to protect cutthroat trout habitat. Cutthroat trout are not threatened or endangered in Montana or the Western United States and require no special protection. Economics of the area would be impacted by this designation.

13650 N. Government Way • Hayden Lake, ID 83835
(800) 922-8544 from OR, WA, ID, MT • (208) 772-3532 • FAX (208) 772-9350

183

Bruce E. Coe
Geologist
717 S. 6th St. W.
Missoula, Montana 59801
406-549-7567

4 November, 1991

B.G. Miller
Associate District Manager
Bureau of Land Management
Lewistown District Office
Lewistown, Montana 59457-1160

Dear Mr. Miller:

I am writing regarding the recently released "Judith Valley Phillips Resource Management Plan EIS". My comments are primarily from the perspective of an independent consulting geologist.

The EIS "preferred" Alternative E would restrict or prohibit mineral exploration or development if such surface disturbances can be seen from Lewistown or other population centers. This is ironic because for over a century inhabitants of Lewistown have, in part, earned a living from work in mines some of which are visible from town.

The finding of mineral deposits is increasingly a more difficult task because well-exposed and partly concealed deposits have long since been discovered and extracted. Mineral deposits occur "where you find them" and not where they will necessarily be out of view of a population center or public access route.

Although the EIS considers the current mineral activity for bentonite, gypsum, limestone and lime, new applications for non-metallic industrial minerals are discovered every day. These minerals commonly occur in areas that have been extensively prospected or developed for metallic minerals. Resource management directions should not only uphold public access for discovery of such minerals but should be prepared to consider development of these resources as the best and highest use for the area in question.

One further comment regarding the term 'environment' as used in the EIS - people are part of the environment - and our activities are part of the environment. For many people, the site of an active mine is a reminder of the abundance of Earth's resources, of our productivity and our enthusiasm for the work at hand. When the mineral resource is depleted and the ground reclaimed, that sight will remind us that people are committed to resource development methods which are environmentally sound.

183A

In summary, I urge you to not adopt the EIS preferred Alternative E since this releases the BLM from its responsibility to deal with surface disturbance activities on a case-by-case basis. Issues raised by the diversity of public interests would be and are best resolved by continued implementation of the current management direction, Alternative A.

Thank you for the opportunity to comment.

Sincerely,

Bruce E. Cox
Geologist

184

November 11, 1991

Gene Miller
Bureau of Land Management
Airport Road
Lewistown, MT 59457

Dear Mr. Miller:

Enclosed please find a copy of the letter I submitted to the Lewistown News-Argus.

This letter is being submitted as my written testimony concerning the Bureau of Land Management's Draft Resource Management Plan and Environmental Impact Statement for the Judith, Phillips and Valley resource area.

Thank you for the opportunity to comment.

Sincerely,

Barry Gallagher

cc: Senator Conrad Burns
Representative Ron Marlenee
Senator Max Baucus

184A

October 17, 1991

Dear Editor:

As a Montana resident since 1970, I am writing this letter out of great concern for the Bureau of Land Management's LAND GRAB PLAN, which they have termed "Judith-Valley-Phillips Resource Management Plan - Environmental Impact Statement". I see the BLM's lips moving, but I hear left-wing fanatics! "so called environmentalists" talking. I call them "so called environmentalists" because a good deal of them are self-minded political activists who have never set foot in the State of Montana, much less the areas in question. A true environmentalist would be concerned for what is best for the land and creatures supported by it, human species included, not by handing over huge amounts of land to the BLM, which cannot properly manage the land they already control.

The BLM would like to swap approximately 115,000 acres of useless land for some of 621,000 acres of targeted improved land (much of which is wet land). This land was improved through private ownership - not BLM management! Private landowners have been the stewards of these lands for generations, their livelihoods depend on good land management practices as does the livelihood of their future generations. The BLM would like to seize control of these lands to improve elk, deer, and bighorn sheep herds, and to promote recreational use.

When was the last time you saw a BLM employee fixing fence bordering private land that was destroyed by elk? How many untold dollars would it take to implement such a plan? Do they expect these farmers and ranchers to scrape a living off of land that will support little more than rattlesnakes and antelope? Do they expect these farmers and ranchers to spend years of time and money to improve these "wastelands" so they can take them back sometime in the future? Who has more to gain (or lose) through good land management practices? I think the private landowners.

I suppose the effected landowners could find an alternate source of income, but it won't be mining, logging, or any other surface disturbing activity if the South Moccasin/Judith Mountain Scenic Area of Critical Environmental Concern is passed. If you live in Central Montana and don't farm, ranch, mine,or log, what else do you do --- work for the government? If you don't have an occupation listed above, your job or business is directly or indirectly supported by them! The Environmental Impact Statement identifies negative impacts to mining and logging in the creation of the ACEC. The impacts are deemed significantly greater for mining with a likelihood that two open pit mines will be forgone. The full economic impact of this is not spelled out in the EIS.

J-34 The Document shows the total value of mineral production in Fergus County for 1987 was approximately $200,000.00. One of many things not mentioned in the document is that the gross production of metals in Fergus County in 1991 will exceed $20,000,000.00! Assuming the two mines are the size of the Kendall Mine, I can tell you that people do want to see gold mines. CR Kendall offers two mine tours a day through the summer which are always booked full. Obviously, mines are a tourist attraction in this area.

The EIS did not say condemnation would not be used to acquire targeted lands. It also mentioned nothing of compensation to those who would be negatively impacted by the Plan. Maybe they would hire everyone who would be out of work eventually to track and study black footed ferrets! (I'll let someone else open that "can of worms").

Is the BLM really listening to us to make common sense, practical decisions about the land we live on? The BLM must follow the Congressional mandate stating "public lands must be managed for multiple use".

I urge all people concerned to write to their congressmen, state representatives, and county commissioners concerning the Judith-Valley-Phillips RMP EIS, whether you agree or disagree.

Does the BLM really need that much more land - if so, I've heard New Jersey is for Sale!

Barry Gallagher
714 8th Avenue North
Lewistown, Montana 59457

184B

There are some local business people who would like to see Lewistown with a tourist based economy. They feel that people won't come here if they can see logging or mining activity from the highways leading into town. I believe this would only benefit a select few of all the community businesses. What about real benefits to the community as a whole? Keep in mind, we don't have a sales tax. People don't come to Lewistown for their vacations like they do to Yellowstone or Glacier Parks. They come through Lewistown on their way. Natural resources development and tourism together can both benefit our area. As an employee of the Kendall Mine, I can tell you that people do want to see gold mines. CR Kendall offers two mine tours a day through the summer which are always booked full. Obviously, mines are a tourist attraction in this area.

The EIS did not say condemnation would not be used to acquire targeted lands. It also mentioned nothing of compensation to those who would be negatively impacted by the Plan. Maybe they would hire everyone who would be out of work eventually to track and study black footed ferrets! (I'll let someone else open that "can of worms").

Is the BLM really listening to us to make common sense, practical decisions about the land we live on? The BLM must follow the Congressional mandate stating "public lands must be managed for multiple use".

I urge all people concerned to write to their congressmen, state representatives, and county commissioners concerning the Judith-Valley-Phillips RMP EIS, whether you agree or disagree.

Does the BLM really need that much more land - if so, I've heard New Jersey is for Sale!

Barry Gallagher
714 8th Avenue North
Lewistown, Montana 59457

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

BLACK FOOTED FERRET REINTRODUCTION

(Please Print) Name	Address	Date
Eva Kragnes	HC 84 Box #063 Malta, Montana 59538	November 8, 1991

H-20 At the meetings you held at First Creek Hall, the National Guard Armory, and the Ville Theatre in Phillips County, Montana, it was repeatedly severed, time that you needed 20,000 acres in Phillips County for public days and Ferret-re-introduction. When the Dept. of Fish, Wildlife and Parks sent out their draft of September, 1991, Black Footed Ferret Reintroduction and Management Plan, the acreage has somehow expanded to 45 of Phillips County south of the Milk River. Quite a large difference I would say!

You call it re-introduction, but in your draft, you say there was no evidence found of ferrets ever being here in Phillips County. John Cranmen told the Dems Forrest told him that he might have seen one as a kid but didn't know if it was or not. Another know jon

Z-2 then your July 1991 draft came out that was the first anyone knew of your wanting 20,000 acres of our deeded land. That is completely illegal in my estimation.

The maps that you sent out all over the United States is so full of mistakes that I could almost have done a better job. Wrong owners on the land, areas moved, no roads, not even Highway 191, only about 1/3 of the actual peoples places on the map. No wonder that a lot of people think this one big wilderness.

Jon Lyons(the author of the Sept.1991 Draft) was at our house one day and told us that if we accepted the ferret, we would not have the wolf turned loose on us. He can remember that? A little later he told us that anything BLM or FWS said should be in writing because it could be changed. No wonder we are skeptical of Government. He also raised to believe that you were no better than your word. Well, even if it is in writing, it can be changed, as the draft shows on the acreages. Also when the elk were introduced in South Phillips County a number of years ago, an agreement was signed by the ranchers and for that only a certain number of Elk would be allowed to increase. That agreement has somehow disappeared and the elk are increasing in staggering numbers. So wonder we are at last poor.

I understand that when CRP was made into a wildlife refuge the ranchers grazing fields acted on their word told there would be minimal impact on their sure. Now there is everywhere from 05 to 100% outbacks on their private land. Funny how one of reasons for CRP was to help wildlife, not to destroy it, but here we are.

Please return to: BUREAU OF LAND MANAGEMENT wastes! Let cattle graze it again!
District Manager
P.O. Box 1160
Lewistown, MT 59457

186

12 November 1991

Mr. H. G. Miller, Associate District Manager
Bureau of Land Management
Lewistown District
Lewistown, Montana 59457

re: JUDITH VALLEY PHILLIPS RESOURCE MANAGEMENT PLAN EIS

Dear Mr. Miller;

My recent review of the proposed ACEC designation for much of the Lewistown area has left be quite alarmed. Such a sweeping restriction of public use of "Public Lands" is not in the best interest of either the local population or the country in general.

Public lands need to managed for the good of the public. This includes keeping the lands available for economic development, including mining.

J-34 The economic impact on the local economy will be significantly greater than currently estimated. The Rundall mine alone has produced 4o times the value that the EIS indicates.

The fish and wildlife concerns are fabricated. The cutthroat trout population is not in need of drastic measures of protection, and the black-footed ferret can be reintroduced without eliminating the public from the land.

Blanket designation of gullies, creeks, streams rivers and bogs as "wetlands", with all the attendant bureaucratic red tape that comes with that label will only serve to restrict the public's use of these lands and increase the cost of paperwork inflicted on the public.

Please consider scrapping this ACEC proposal altogether and craft a more reasonable approach to managing the PUBLIC'S lands.

Sincerely,

KENT TURNER, JR., Project Geologist

KT/mps

185A

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

BLACK FOOTED FERRET REINTRODUCTION

(Please Print) Name	Address	Date
Eva Kragnes	HC 84 Box #063 MALTA, MONTANA 59538	November 8, 1991

Y-1 The estimated costs for this ferret reintroduction is $1,197,400.00 for from 1991 to 1995. How many million dollars has it already cost, just for your studies. Yet no one would give me an answer at any of the meetings.

What is the none common sense we brought back into our government and let the ranchers go back to taking care of their own business. Behind that the billion dollars could be better spent on homesteads to the land or to help feed and clothe our homeless and hungry. These environmentalists that are so worried about the land are in fact probably descendants of homesteaders that came out here and couldn't make a living on this harsh land. Now that we have taken care of it and learned to utilize it, they want it for preserves etc. And to come and look at it. By the way, tourists, etc. only pay 1% of the cost of unburdening it for themand the $1.97 we ranchers pay provide a 12% profit on each sun. This came from Op Ed page.

A-4 If we have done such a good job of taking care of the land, how come nearly all of the land wanted for acquisition was improved land?

I urge you to discontinue this crazy wanton spending of we taxpayers money, time and trying to make it so miserable that we can't make a decent living. Then we ranchers are gone from the land, your source of money for your wages will also dry up, and also your food.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

187

November 13, 1991.

Bureau of Land Management
Lewistown District Office
Lewistown, Montana 59457-1160

Attn. Mr. H. Gene Miller

Dear Mr. Miller:

In response to your letter of Oct. 18, 1991 regarding the acquisition and disposal of certain lands by the B.L.M., I am enclosing a copy of my letter to Mr. Marl (9/10/91) with his answers to my questions.

Unfortunately I was disenlaced his letter but I think his answers which I have inserted are correct.

My feeling at this time is that I will keep the land for the reason stated in the enclosed letter unless it can be sold either privately or to the government for a reasonable price.

I do not object however to the property being identified in the final RMP/EIS plan and table.

Very truly yours,
Ina Y. Applelli
LOTTIE P. APPELLI

LPA/jm
Enc.

Lots 2-3-4-5-6-7-8
Sec. 31 Twnshp 23 Range 17

Lots 16 12 13
Sec. 30 Twnshp 23 Range 17

Attachments are available for review in the Lewistown District Office.

190

Nov. 12, 1991

Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, Montana 59457

Subject: Judith Valley Phillips Resource Management Plan & Environmental Impact Statement

Gentlemen:

Please accept this as notification that we do not choose to participate in a BLM land exchange. This land was willed to us by our father and we have no desire to exchange for other land.

We have been following all the information in the Lewistown paper and certainly see no benefit to farmers.

Please remove our lands from this map and send us notification this has been done.

Sincerely,
/s/ Arlene Leininger Roepke
6108 St. John's Ave.
Edina, Mn 55424

(Typed exactly as received for reproduction in the final RMP/EIS.)

191

Norman Rench — Rt 3 Box 172 Lewistown — 11-16-1991
MR Norman or Rata Rench — Rt 1 Box 1474 " Mt

To B.L.M. Lewistown Mt

At this time we do not want to sell any of the Judith River Land. It is needed for stock water for our grazing land.

But we are renting land from BLM that we would like to buy IF the price is reasonable & not like a former sale by B.L.M.

Yours Sincerely
/s/ MR Norman

(Typed exactly as received for reproduction in the final RMP/EIS.)

192

PEGASUS GOLD
CORPORATION
"Pride in Action"

John M. Willson
President and Chief Executive Officer

November 18, 1991

Mr. B. G. Miller
Associate District Manager
Bureau of Land Management
Lewistown District Office
Lewistown, MT 59457-1160

Dear Mr. Miller:

Re: Judith Valley Phillips Resource Management Plan EIS

I am writing to you about the subject Environmental Impact Statement and the designation of Areas of Critical Environmental Concern (ACEC) proposed in this EIS.

Pegasus Gold Corporation is a major North American gold producer. It has mined precious metals from its flagship mine, Zortman/Landusky, located in Phillips County, Montana, for over ten years. We employ 176 people at this operation, and bring approximately $15 to $20 million to the local economy each year.

I oppose the proposed Judith Valley Phillips Resource Management Plan EIS.

In general, I am concerned that, although the proposed EIS relates only to Judith Basin, Fergus, and Phillips counties, if established, it could set a precedent for mineral prospecting/production in the entire state of Montana. Of the four mines Pegasus currently operates, three are located in the State of Montana. Mineral concentrations that may be rich enough to become mines are where mother nature puts them. Nobody has any control over that. When they are found, they will be mined for wealth creation, jobs, taxes, and the benefit of the national community, or they will not. With respect, Mr. Miller, to the poverty and incredibly sub-standard living conditions under which so much of our population lives, it is selfish folly to foregoing the creation of wealth for the sake of protecting a view out of a window, which, despite the advent of a mine, will in 99 percent of the cases be infinitely better than that enjoyed by most of the citizens who live in the inner cities of this country.

North 9 Post Street • Suite 400 • Spokane, Washington 99201 • Telephone (509) 624-4653 • Tele-Copier (509) 838-6217

192A

More specifically, I feel the creation of ACECs require further consideration before they are established. My main concerns are:

I-10 — How will existing operations within the designated areas be affected by this plan?

I-10 — Would the Bureau of Land Management continue to maintain authority for management of public lands within its control, and on a site-specific basis?

J-34 — Criteria used for selection of the Lewistown Scenic ACEC was based upon 1987 data, which significantly impacts the economics of the area, since the Kendall mine began production after that time. Will data be updated to reflect current economics, i.e., the Kendall mine production for 1991 will exceed $21 million?

M-8 — How/why was the protection of cutthroat trout habitat in the Collar Gulch ACEC designated, since those fish are not threatened or endangered in Montana or the western United States?

H-21 — Was consideration given to the impact that two ACECs, designated to protect areas for the reintroduction of the black-footed ferret, would have on bentonite and precious metals mining in the area?

F-16 — Was the designation of [illegible] miles of river being studied for wetland and/or riparian management consistent with President Bush's new guidelines for managing wetlands?

Over two million surface acres and three million acres of federal mineral rights will be affected by the proposed Judith Valley Phillips Resource Management Plan EIS. I urge you to re-evaluate this proposal in its entirety, with attention to those specific questions I have posed above.

Thank you for your consideration of this request.

Yours sincerely,

John M. Willson
President and CEO

JMW/bha

193

November 19, 1991

Mr. B. Gene Miller
Acting District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, Montana 59457

Dear Sir:

Leo, Anna, and Aldon Bergtoll of Saco, Montana are the owners of lands along upper Frenchmen Creek, Phillips County, Montana.

Some of these lands have been identified under your Judith-Valley-Phillips "Management Plan" as lands to be acquired and you have sent out form letters to Aldon, but not to the other Bergtolls notifying them of this fact.

On behalf of Leo and Anna Bergtoll, I notify you.

1. They manage and control the entire ranch properties, including the fractional shares owned by Aldon and they are contracting to acquire Aldon's shares.

2. They do not want any of the Bergtoll lands included in any further reports, as being available for or selected for acquisition by the Government.

Cordially yours,

ROBERT HURLY

RH/ca

cc: Leo and Anna Bergtoll

194

Valley County

501 Court Square
Glasgow, Montana 59230

Phone: (406) 228-6021
FAX: (406) 228-0027

November 19, 1991

Mr. B. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P. O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

Please remove Valley County lands from Appendix A - "Land Acquisition and Disposal in the "Judith-Valley-Phillips Resource Management Plan Environmental Impact Statement."

Valley County is willing to trade lands with the Bureau of Land Management when the need arises.

The Bureau of Land Management was formed to manage federal lands, we do not feel it should be in the acquisition business. With the federal deficit as high as it is now, the federal government should not be trying to purchase additional lands. Taking lands off of the tax rolls is a detriment to local governments and the local economies.

Thank you for your cooperation in this matter.

Very truly yours,

VALLEY COUNTY COMMISSIONERS

Arthur A. Arnold, Chairman

Eleanor D. Pratt, Member

Gene C. Reinsche, Member

VCC/dw

195

November 20, 1991

Mr. B.G. Miller
Associate District Manager
Bureau of Land Management
Lewistown District Office
Lewistown, Montana 59457

Dear Mr. Miller:

Your proposals included in the EIS for the Judith Basin area have overtones and designs which are reminiscent of the original "Vision Document" for the Yellowstone area. It seems that government agencies have a difficult time learning from their own experiences. The Vision received a resounding "No" from the people of Montana and the same end is warranted by your proposals for ACEC's. The BLM's job is to manage the public domain under its jurisdiction within the framework of the laws governing such lands. These type of maverick restrictions are not in keeping with those laws and are yet another attempt by the conservationists and obstructionists to carry their own agenda through and by the federal agencies.

"Viewsheds" which prohibit mining and other activities because they are visible from areas of population is a new and dangerous precedent which is not in the realm of BLM management policies. If this policy is allowed to be incorporated in the EIS, it will be used at every opportunity by those whose interests aren't the good stewardship of our public lands but instead, the end of access by the public. Protection of the outthrust trout is equally as dangerous and ill conceived. The outthrust is not a threatened or endangered species and if you treat it as such, it also will be used, as other species have through the Endangered Species Act, for reasons other than animal protection.

In closing, this EIS is a dangerous document and attempts to set several precedents which the BLM is not empowered to propose or enforce.

Sincerely,

Paul Dale
P.O. Box 242
Whitehall, Montana 59759

196

Montana Department of Fish, Wildlife & Parks

P.O. Box 6610
Great Falls, MT 59406
22 November, 1991
ph: 454-3461

Mr. B. Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

SUBJECT: Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement, Appendix D

Dear Mr. Miller:

V-1 I recently reviewed portions of the Judith-Valley-Phillips Resource Management Plan and environmental Impact Statement. I wish to take this opportunity to clarify permitting requirements referred to in Appendix D, Best Management Practices. Any activities carried out under A.1.d., A.1.j., and A.3.a. where disturbance of any streambed or bank occurs as a result of a project sponsored by a federal agency (i.e., BLM, USFS, etc.) would require permitting through the Montana Stream Protection Act (124), which is administered by the Montana Department of Fish, Wildlife, and Parks. The Natural Streambed and Land Preservation Act of 1975 (310 permit), which is administered through county conservation districts, applies only to private non-governmental individuals or corporations that propose altering a perennial stream. The 310 permitting process would only occur on BLM land if a private logger, as in B.2.c. of appendix D, a private mining concern, or some other private entity proposed a stream project. I have included a copy of Appendix D with the previously referenced sections highlighted and brief descriptions of both stream protection acts. Please feel free to contact me or the department's habitat protection bureau in Helena (444-2449) if you require additional information.

Sincerely,

George Likens

George Likens,
Fisheries Biologist

Attachments are available for review in the Lewistown District Office.

197

Evans Route
Stockette, Montana 59480
Nov. 22, 1991

District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT, 59457-1160

Dear Sir:

Since I have received a copy of the Judith-Valley-Phillips RMP/EIS, and the deadline for comment has been extended to Dec. 15, 1991, I have additional comments to add to those few which I made in a letter requesting the plan.

After studying the plan at some length, I endorse Alternative A (The currently used plan). However, I could probably accept Alternative E (The Preferred alternative), if certain restrictions were placed upon it. Some examples follow:

1. The plan must make clear that multiple uses are compatible with the purpose of these lands as National Resource Lands.

2. Livestock grazing and hunting must remain among the top priority uses of this land. The people of the state it exists within deserve the courtesy of being allowed to keep these parts of their heritage.

A-9 3. It must be made clear that land acquisition will be from willing sellers only; and that at no time will any attempt be made to intimidate or otherwise force ranchers from their private property, which is the only means most of them have ever known. (Once more a heritage to be preserved!) Conservation easements might be a more sensible approach than land purchases. Block Management Plans, as used by MT. Fish, Wildlife and Parks Dept, are also effective.

4. Endangered Species:

A. Bald Eagle - Probably has recovered to the point where its status could be downgraded - possibly even delisted.

B. Gray Wolf - Worldwide population numbers show that is is not now, and never has been, endangered or even threatened. It should be delisted. Forced reintroducing into the study area would be a mistake!

C. The plan places too much emphasis upon the Black Footed Ferret. Initial introduction should be made only in locations where they will not interfere with other activities, and any populations should be designated experimental-non-essential only.

In closing, I will add that although these are Federal lands, their primary users are the people of the state in which they exist (In this particular case - Montana). Therefore, the people of Montana should have a major say in determining the management of these lands.

I will also say that I have spent considerable time in parts of the study area. I have been quite impressed by the resulting spreadings I have seen. Also, the majority of the rangeland I have hunted upon has been well managed and has not been overgrazed. The abundance of wildlife is exciting!

Once again, I express my support for Management alternative A. It's working, why tinker with it.

Thank you for accepting these comments.

Sincerely yours:
/s/ Stephen V. Reyerink

(Typed exactly as received for reproduction in the final RMP/EIS.)

198A

Mr. David Mari
Page 2
November 15, 1991

5. Oil and Gas Leases and Development :

R-1 BLM has strict standard stipulations. We do not feel we need to add to the existing regulations.

6. Hardrock Mining:

BLM already has strick standard stipulations on hardrock mining. We do not feel that this manual should set any new prasidents when you consider the economic impact and the ability of the land to recover itself in a picturesque manner.

7. Riparian Wetlands:

We feel many areas designated as areas in need of better management can best be managed through the use of cattle grazing, properly rotating and resting areas. We do not feel any areas need to be completely removed from grazing. We agree with the findings of MSU's riparian expert Dr. Clayton Marlow.

G-1 We feel that BLM is not addressing their noxatious weed
G-2 problem and they need to work closer with the lessees to correct
G-13 this.

8. Elk and Bighorn Sheep:

We feel that Alternative B is the best plan because there is no expansion of the elk herds. The elk are expanding into large herds. It seems premature to identify habitat for wildlife when no numbers of animals are available. We feel that BLM and Montana Department of Fish Wildlife and Parks should enter into an agreement on the numbers of elk and wildlife the area will sustain. The existing elk herds are using alot of private land as habitat. We feel that the BLM needs to have a more active part in controlling wildlife as well as the cattle numbers it already controls. It does not seem that you can do a proper job in regards to range management when you only control part of its use.

9. South Moreseia:

G-4 We prefer Alternative A. We feel the BLM does not have a viable area for an elk herd. 1300 acres + 35 AUM's will not sustain many elk year round. Why was this area ever recommended for an elk herd?

10. ACEC:

We feel that BLM's goal should be multiple use and should not alter the basic goal of Central Montana from ranching and farming, mining and recreation; to Tourism and recreation. We feel that Alternative A, no ACEC is in the best interest of all of Central Montana.

We felt that the plan was extremely bias in favor of environmental interest groups. We didn't feel that the plan addressed some of the major problems enough such as cattle numbers verses wildlife.

198

November 15, 1991
Christina Route
Hilger, Montana 59451

Mr. David Mari
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, Montana 59457

Subject: Judith Valley Phillips
Resource Management Plan
Environmental Impact Statement

Dear Mr. Mari,

We have reviewed the RMP/EIS and attended several meetings. We have several areas of concern regarding the plan.

1. Land Acquisition:

A-9 We feel that the document clearly state that the BLM will not condemn land. Land squisition and disposal would be only through a willing seller or buyer basis. We feel that land values could fall if the issue of confiscation is not plainly addressed. We are not interested in selling or trading our land that was listed for acquisition. We resent the fact that is was listed without our knowledge or removed it from the plan. In some instances the land that you have listed for acquisition would leave the landowner with the lesser valued land, and with no water available and with the problem of fencing.

2. Black Footed Ferret:

We feel the BLM has enough land without aquiring more prairie dog towns for the black footed ferret. If the ferret would make the comw back and utilize all the prairie dog town under the BLM control it would no longer need to be protected.

H-44 We feel that the Black Footed Ferret should be introduced as experimental-non essential that as an endangered species. We do not feel that this project should be one of open ended expance accounts. We feel that the government doesn't have enough money to write a blank check for the ferret.

3. Access:

Access needs to be on a individual or site basis. We prefer alternative B because we feel the BLM has adequate access to the public lands. Making more access will create a larger weed problem and a construction and maintainance problem. To stop using existing roads and make an area a walk in area and turn around and make another area a drive in access by creating "new" roads appeares to be a poor stewardship of federal funding.

4. Off Road Vehicles: Alternative A

We believe the existing areas open to off road vehicles could remain open but any new access needs to be on an individual basis.

198B

Mr. David Mari
Page 3
November 15, 1991

Many of the maps were not accurate with the legal descriptions, this could lead people to believe there land was not included in the plan. The tentative letters that should have been sent to us were mailed to another party, who else got their mail second hand? The economics of the plan was in error A-29 in more than one place, for example cattle are not usually ran on BLM around year round, so most peoples AUM's are only ½ of the required pasture for a cow and calf for 12 months. When you loose 12 AUM's you are probably loosing 2 cows not just one.

The trend toward more public land warries us. We have invested the last 26 years working toward the goal of owning our own ranch. When a person works and sacrifices toward a goal you get concerned when someone changes the rules in the middle of the plan, especially when the other person hasn't invested very much of their time or money in the project.

Sincerely Yours,
Wade E. Warneke
Laura Warneke

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DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Oxarart, Betty	NC84 Box 8055 Malta MT 59538	11-11-91

Land Acquisitions- Stay with willing Traders- Don't already own too much- Take Double C Ranch off your maps.
In the future who knows- may want to trade something-
Fix mistakes in report- Too much money spent-
Fallacies in economic figures- Ranchers would be mad enough to close private lands- Also less cattle- less Taxes on them & land-
Law says That local economy is the vital issue and needs to be addressed-
Keep ferrets & prairie dogs and essential not endangered- experimental
Figure cost of doing all these projects- with NOT! debt we can't keep spending for non-essentials-
Keep in mind where cattle graze and individuals help, wild game and conditions improve!

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

201

GATEWAY Simmentals
Route 2 • Box 2190 • Lewistown, Montana 59457 • Phone (406)538-8551

November 23, 1991

Chuck Otto
Bureau of Land Management
P. O. Box 1160
Lewistown, MT 59457

Re: Purchase

Dear Chuck:

A-30 I am inquiring into the possibility of purchasing the BLM administered land included in Permit #6035, held by Ernest A. Butcher. This land is described as:

T13N R17E S25
S/2, SW/4

I would appreciate your answer regarding the possibility of obtaining this land.

Sincerely,

Ernest A. Butcher

Ernest A Butcher

200

Box 13 - RR 1
Saco, Mt. 59261
Nov. 20, 1991

S. Gene Miller - Acting Dist. Manager
Bureau of Land Management
Lewistown Dist. Office
Box 1160
Lewistown Montana - 59457

Dear Mr. Miller,
Thank you for your response to our letter of concern about the B.L.M. Land exchange as set forth in the draft RMP/EIS released in July.
Even though your explanation of the B.L.M.'s position concerning the Land exchange put some of our concerns to rest, we realize that politics do enter in and policies do change.
There has been a decided push over all the "West" to put more land under government control. We are very opposed to this policy. Because of this we do not want to enter into any Land exchange with the B.L.M. and would like to have our lands removed from the map and table dealing with acquisition and disposal in the final RMP/EIS.
If the B.L.M. should decide to sell these smaller isolated acres, such as included in our ranch, we would be interested in buying those that are included in our ranch.

Sincerely yours,
/s/ Colgate & Irma Robinson

(Typed exactly as received for reproduction in the final RMP/EIS.)

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GATEWAY Simmentals
Route 2 • Box 2190 • Lewistown, Montana 59457 • Phone (406)538-8551

November 23, 1991

Bureau of Land Management
P. O. Box 1160
Lewistown, MT 59457

Re: Land Exchange

Dear Sir:

Please remove the land that I own from the proposed BLM land exchange program.

The land is described as follows:

Section 3, Township 21, Range 20
Lots 1, 2, S/2NE/4

Section 34, Township 22, Range 20
S/2SE/4

Section 35, Township 22, Range 20
S/2SW/4

Thank you.

Sincerely,
Darlene P. Butcher

203

H

Swinging H Cattle Company

Bob, Pat and R.C. Weingart

Winnett, Montana 59087

November 22, 1991

Bureau of Land Management
Lewistown, Montana 59457

RE: Judith Valley Phillips
Resource Management Plan
Environmental Impact Statement

Dear Sirs:

We are writing you with regard to the EIS Draft that has been proposed by the Bureau of Land Management. We have a ranch in Petroleum County and are concerned about the following areas.

1. There should not be a net gain in acres of public land through land acquisition. Loss of private property results in loss of taxable valuation.
2. Restrictions on oil and gas exploration and production results in loss of income and taxable valuation.
3. Uncontrolled increases in the elk population resulting in degradation of the land on both private and BLM lands and therefore loss of AUM's.
4. No forced access across private lands to reach public lands. Off road vehicle use should be limited to existing roads and seasonal road closures should be allowed.
5. We prefer the alternative of eliminating prairie-dog towns. Some of these prairie-dog towns are taking over huge blocks of land and must be controlled, reduced in size, and in some areas eliminated.

We have had grazing permits with the BLM for many years and feel the present management plan has been working very satisfactorily. Other than eliminating prairie-dog towns, we feel no changes are necessary.

Sincerely,

Robert E. Weingart
Robert E. Weingart

Patricia Weingart
Patricia Weingart

Teri Weingart
Teri Weingart

R.C. Weingart
R.C. Weingart

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DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Katherine E. Conrad	624 W. Blvd. Lewistown, Mt 59457	November 29,1991

It is requested that BLM remove all fee and state lands from the Judith/Valley/Phillips Resource Management Plan EIS and evaluate the BLM lands only.

The Fee Payers money was spent on the R.M.P. that should never have been spent. The BLM should refrain from writing EIS on any lands that they do not own. An EIS is only necessary on their land or lands that are in the current process of acquisition.

Because of this document these 2 men will become the target for special interest groups and the Federal Government.

The plan to take over private property is an overbearing attitude. The area is owned just as locally as it is by the BLM which the proceeds are much needed for the library, various school systems lacking funds for their programs.

The mountains they wish to have, because of their beauty, have been maintained in the same families for as many as four and five generations. There is no reason to believe that imposed BLM employees are capable of managing these lands, than the present owners.

Katherine E. Conrad 12/1/91

cc: C. Jenkins, Director of BLM
Conrad Burns, Senator
Bob Watkins, State Rep.

Ken Dennis, Senator
Pat Williams, State Rep.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

Peggy Trenk
Western Environmental Trade Assn.

William Perry Pendley,
Mountain States Legal Foundation

205

Nov. 27,

To Whom It May Concern,

Please remove my name from the list of willing sellers of the following lands - Yellow Creek # 1

1279.7½ acres 5430

Legal description

T. 25 N., R. 33 E

Section 4, SW¼ NE¼, S½ SW¼, W½ SE¼

Section 5, Lot 4, S½ NW¼, NE¼ SW¼

Section 8, NE¼

Section 9, NW¼ NE¼, N½ NW¼, SW¼ NW¼, N½ SW¼, SW¼ SW¼

T. 26 N, R. 33 E

Section 32, SW¼

Section 33, W½

Ellen V. Koubek
Box 1285
Malta, Mt. 59538

206

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Gary Blk Kemont	Box 104 Roy, MT 59471	29 Nov '91

Subject: Elk & Big horn sheep habitat Management. The habitat will always be there whether the BLM owns it or not. This brings me to a much larger question. Do we feel that the government can manage these things better than the private sector. Can the government handle proper grazing, weed control, wild life management, recreation better than the private sector. I say no.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

206A

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Gary Blakemore	Box 109 Roy, MT 59471	29 Nov 91

Subject Access to BLM land

A-2 If the BLM owns odd or isolated pieces of land with no legal access, the only sensible thing to do is to sell the odd pieces to local land owners. Use the money to improve existing BLM land life wise & control, water development etc.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

206C

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Gary Blakemore	Box 109 Roy, MT 59471	29 Nov 91

Subject: Land acquisition & disposal

If the BLM goes against local opposition to land acquisition then the BLM must put an upper limit or cap on the amount of land purchased & you must sell land to pay for your new purchases.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

206B

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Gary Blakemore	Box 109 Roy, MT 59471	29 Nov 91

Subject ACEC's

The Government has no right to identify private land that the government feels is of environmental concern. Private individual & local government can determine what is critical & what needs special care. Keep the Federal Government & BLM out of our private land ownership & land use.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

206D

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Gary Blakemore	Box 109 Roy, MT 59471	29 Nov 91

General Comment on this RMP:

It is the general (locally) that this RMP is a departure from "multiple use of public lands" to recreational use, that the "west" is to be a playground for the well-to-do Easterners & California. Through so-called environmental issues the so-called environmental groups can control Public Private lands, and the BLM is their strong-arm to accomplish this. Thoreau wrote in "Civil Disobedience" "I cannot rest with far-fetched, but with those who, near at hand, co-operate with, and do the bidding of, those far away, and without whom the latter would be harmless."

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

206E

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Gary Blakemore	Box 107 Roy, MT 59471	3/14/91

Subject: Land Acquisition & disposal

The Federal Government owns some 40% of the US Lands (730 million acres) These lands should be sold & returned to a taxable County base. The Federal Government has no right to identify private land for acquisition. Lets stay with Cy Jamison's view of "no net gains of BLM land"

A-11

Acquisition of more scattered plots of land would be a management nightmare. The BLM cannot effectively control it's land holdings now. Look at the poor weed control, leafy spurge & knapweed are out of control on thousand of BLM acres & goes untreated

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

208

Pat Bronte
Box 146
Geraldine MT. 59446
JVP 146.7 201

Dear Sir

I am writing in regard to your letter concerning the land acquisition on Arrow Creek. I would like my land to be removed from your lands targeted for acquisition. The land Description is as follows:

T21N R 15E
section 19 lots 1, 10, 11, 20, W½ E½
section 30 lots 1, W½ E½, SE¼ SE¼

Sincerely
Patrick D. Bronte

207

November 27, 1991

Bureau of Land Management
District Manager
P.O. Box 1160
Lewistown, Mt. 59457

Dear Sir:

It is requested that BLM remove all its land at its lands from the Judith/Valley/Phillips Resource Management Plan. All are available public lands only.

This bill is a misuse of taxpayer money. The BLM should not be writing RMP's on any land they do not own. The BLM is only necessary on lands currently under control of BLM or in the process of acquisition.

Because of this decision the private lands mentioned will become the target of radical special interest groups and the Federal Government.

The area involved in Fergus County would remove valuable properties from the tax rolls and cause a reduction for the already short on funds school districts.

The Republican Party wishes to have people of their county have been left behind in the use of facilities for so many as four and five generations. There is nothing to show the BLM can do as good a job in their preservation.

Harold L. Conrad
Box 1, Hwy.
Lewistown, Mt. 59457

11-28-91

cc: Cy Jamison, Director of BLM
Conrad Burns, Senator
Ken Hatfield, State Rep.
Jack Mercer, Senator
Pat Williams, Dist. 2 Rep.
Fr. J Train, Chairman Interstate Trade Assn.
William Perry Pendley, Mountain States Legal Foundation

209

November 28, 1991

Dear Gentlemen.

In reply to your letter concerning the trade on some BLM land that we have. As of this time it would not be feasible for us to trade. As it would throw our management plans out of kilter. As most of you know this is poor farming country so we need all the grass we've got for our cows, which are a major part of our livelihood here.

Thank you.

Darine D. Hofer

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WITTMAYER GRAZING ASSOCIAT
P. O. BOX 1160
GLASGOW, MONTANA 59230

November 27, 1991

Mr. Gene Miller
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

The Wittmayer Grazing Association and the Silver Dollar Grazing Association would like their names removed from the BLM's Judith Valley Phillips final RMP/EIS dealing with land acquisition and disposal.

Thank you.

Sincerely,

Leonard B. Swenson

Leonard Swenson,
President

212

VERNON TAYLOR, JR.
1670 SAHALE ST. N. PALISADE
DENVER, COLORADO
80202

November 1, 1991

B. Gene Miller
Acting District Manager
U.S. Department of the Interior
Bureau of Land Management
Lewistown District Office
Airport Road
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

Recently I received a letter from you regarding the Judith Valley Phillips Resource Management Plan and Environmental Impact Statement.

I am the owner of a ranch in Fergus County several miles south of the town of Fergus known as the Box Elder Ranch.

The purpose of this letter is to indicate that I do not wish to have the BLM take over the land associated with my ranch. Unfortunately I am leaving the country for a month but will, on my return and before December 15, identify the BLM land associated with the operation of the Box Elder Ranch.

Sincerely,

Vernon Taylor, Jr.

Vernon Taylor, Jr.

Dictated by Mr. Taylor
Signed in his absence

213

8661 Duke Place
Denver, Colorado 80231

December 3, 1991

United States Department of the Interior
Bureau of Land Management
Lewistown District Office
Airport Road
P.O. Box 1160
Lewistown, Montana 59457-1160

Dear Sir:

I own property in northcentral Montana. Legal description – T.23N., R32E., Section 24,NW1/4. I understand from discussions with fellow land owners in the area that the BLM is developing a resource management plan for this area and that the property I own has been identified as a possible candidate for exchange or purchase.

If possible, I would like a copy of the management plan.

Thank you,

Leon Rorie

Leon Rorie

214

P.O. Box 872
Mines, OR 97738
December 1, 1991

B. Gene Miller, District Manager
Bureau of Land Management, Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

Enclosed is my comments on the draft Judith Valley Phillips Resource Management Plan Environmental Impact Statement.

I have visited the area a number of times, and have fished and floated the Judith. I have based my comments on both a review of the document and upon my knowledge of the area.

It is obvious from the draft impact statement that all alternatives have the potential to substantially affect the lifestyles, livelihood, and private property of local residents in and around the BLM lands. I found that one important issue is not adequately discussed throughout the document and that is the viability of local communities- both economically and protection of lifestyle.

X-12

X-5

Economic impacts are discussed in Section 3- Affected Environment. If this same degree of detail was shown for each alternative in a tabular form that contrasted each alternative vs current condition, it would greatly strengthen the analysis. The analysis in Chapter 4 is generalized without the degree of specificity that Chapter 3 has.

Private lands are intermingled throughout the area with BLM lands. Actions taken on BLM lands can greatly influence what happens on private land and vice versa. While I'm sure that most local residents would support responsible public use of the BLM lands, I know that there is considerable concern that the rights of private landowners will not be respected by a percentage of the visiting public.

Considering the considerable cultural resources- such as "doggies", ghost towns, sidewer cabins, and prehistoric sites, facilities and buildings, livestock, crops, fences, and other valuable natural resources on the private lands, as well as the remoteness of the area and attendant law enforcement problems, there is substantial basis for concern. Throughout the document, I found that the analysis tended to minimize the impacts to adjacent landowners and the resources found on these lands.

I found this portion of the analysis to give a misleading impression of the actual direct and indirect costs and inadequate to allow a reasonable assessment and comparison of the alternatives. I also found some apparent discrepancies such as

- 1 -

214A

X-6 the discussion on economic impacts on page xxvi under Alternative C under land acquisition and disposal where a increase of revenue of $9.000 is predicted for the planning area, but a net loss of $11.000 for the county is predicted.

X-7 Some items that I feel need to be addressed: Effects on County Tax Bases in more detail. Effects on County Services Needed- especially law enforcement, health services, road mtce., Effect on County Income and Employment by Economic Base Sector. Effect on Community Stability, Effect on Community Cohesiveness, a discussion on whether the impacts predicted are short term, long term, and what are the cumulative long term impacts.

E-9 Some analysis was hard to understand- an example is found on page xxv where hardrock mining is discussed as a positive impact for visual resources under alternative C. when in fact mining impacts would still occur, but at a lower level that under alternative A. I also saw no predictions of impacts from dredging or hydraulic mining.

There are four other items that I would like to discuss in detail:

1. Access: All of the alternatives calling for increased access describe essentially unlimited, unregulated public access. While the need for additional public access is understandable- there are a number of other alternatives that should have been analyzed.
B-7 Specifically, acquiring access to allow only specified uses or confining use to specified times, allowing access under permit only, or with some other type of regulation to reduce impacts to adjacent private lands as well as to resources on BLM lands. Considering the remoteness of many BLM lands and the difficulty of law enforcement. these alternatives should be discussed.

B-3 I also did not determine from the document whether or not BLM is considering condemnation of access. I may have missed a discussion of this, but it should be made clear what is meant.

2. Wild and Scenic River (Judith): I agree with BLM's proposal not to recommend this river to Congress as a Wild and Scenic River. The recreation potential for this river is low as suitable river flows occur only for short periods during spring run off and following storm events.

The majority ownership along this river is private and considerable condemnation would be required to acquire these lands. Management of these private range lands is more than adequately protecting the identified outstandingly remarkable values. There is no guarantee that a Wild and Scenic River designation would further increase protection- indeed. based on experiences elsewhere where rivers have been designated, the increased public use following designation would greatly threaten the numerous historic resources found on the private lands as well as riparian vegetation and stream bank conditions..

- 2 -

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B. Gene Miller
District Manager, BLM
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

December 3, 1991

Whereas the Phillips County Grazing District does hereby resolve that the following statements go on record in response to the Judith, Valley, and Phillips Resource Management Plan.

Issue: Land Acquisition and Disposal

United States Government should not be acquiring anymore land now and in the future under any circumstances.

Issue: Public access to Federal Lands

Access should be clearly defined in order to protect both the private landowners rights of ownership and leases. This definition will stress the responsibility of the public to adhere to these rights.

Issue: Off Road Vehicles

Individual BLM permittee have the right to designate if they want ORV use for game retrieval etc. etc.

Issue: Oil & Gas Lease Development & Hard Rock Mining

Environmental concerns are important but should not be so restrictive as to inhibit possible development and growth of important industries within the boundaries of the RMP area.

Issue: Riparian and Wetland Management of Watersheds

This issue should be tabled until a complete and workable definition of wetland and riparian is on record.

Issue: Elk & Bighorn Sheep Habitat Management

The impact of increased elk and sheep habitat means that there will be a reduction in AUMs thereby cutting into producers ability to
G-14 make a living. The RMP team did not address the impacts that this issue would have on livestock grazing management(page xv). Current population levels of these big-game animals seem to be adequate in providing the sportsperson entertainment.

Issue: Prairie Dog & Black Footed Ferret Introduction

To date the desire and intentions of the residents within the affected area has not been taken seriously. We do not want the black
H-20 footed ferret introduced into this area. We question the validity that the black footed ferret ever existed in this area. What concrete proof does the BLM have?

In conclusion, we consider the document to contain flawed and unsubstantiated information which could have a negative impact on the members of the Phillips Grazing District. We hope that the BLM planning board proceeds with care as their decisions will affect our lives and that of our children.

Vice President
South Phillips Grazing District
P.O. Box 189
Malta, MT 59538
(Representing 108 individual livestock operators)

President
North Phillips Grazing District
P.O. Box 189
Malta, MT 59538
(Representing 107 individual livestock operators)

cc: Phillips Resource Area, Malta

214B

A cooperative study with the State of Montana to determine suitability is listed on page 366 of the document. Based on your conclusion on page 367. it would appear that BLM's position is
W-5 that the Judith is nonsuitable for designation. If so, the statement on page 367 under #6 that the MSA recommendation of entering into a cooperative agreement with the State of Montana to further study the issue of suitability is appropriate is not reasonable- the issue should be moot.

3. Black-footed Ferret Management: P.L. 93-205, the Endangered Species Act of 1973 dictates that all alternatives provide for minimum viable Black-footed Ferret populations. otherwise it would
H-22 not be a valid alternative. With this in mind, it is ver difficult to understand why the recommendation would be for more acreage than the 3,308 shown under Alternative A considering that the impacts to other resources increase as the amount of Prairie dog habitat increases as shown on pages 211-213., The rationale for increased acreage is not clear.

4. Land Acquisition: All alternatives discussing acquisition of lands by the BLM consider 100% land ownership by the U.S
A-53 Government. It would appear that a number of other alternatives could meet the management objectives. Examples are acquisition of development rights, Conservation Easements, Scenic Easements, Recreation Easements. These alternatives would lessen the impact on the landowner, provide for ranch operations, protect the tax base. and still provide for management needs. These options should be discussed in the final document.

Thank you for the opportunity to comment on the draft.

James M. Keniston

- 3 -

216

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
P. O. BOX 637
FORT PECK AGENCY
POPLAR, MONTANA 59255

IN REPLY REFER TO:
Range Management
Code 320

December 3, 1991

Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Millar:

In reference to letter to the BIA Range Dept., Fort Peck Agency dated 07-18-91 (re: Lowell Hessler, NRS, BLM - Glasgow Area Office) and to the draft Judith - Valley - Phillips Resource Management Plan - Environmental Impact Statement (RMP/EIS), our intent lies in the opportunity of cooperation to effect an eventual transfer of certain BLM lands located in Valley County near the former Glasgow AFB, which are currently identified for disposal in the RMP/EIS. Under the provisions of 25 CFR 151, it is our desire to have these lands transferred into trust status for the Fort Peck Indian Tribes. The transferral will assist in facilitating an agricultural economic development project presently under consideration by the Fort Peck Indian Tribes.

The lands are described as follows (see attached map):

T.30N., R.40E.,
Sec. 1: E½E½, SW¼SE¼, NW¼SW¼
12: NE¼, NE¼SE¼
13: NW¼NE¼

T.30N., R.41E.,
Sec. 6: SW¼, S½NW¼, W½SE¼, SE¼SE¼
Sec. 7: N½, SW¼, E½SE¼, SE¼SE¼
Sec. 8: SW¼NW¼
Sec. 17: N½S½, W½NE¼
Sec. 18: S½NW¼

T.31N., R.40E.,
Sec. 4: SW¼NW¼
Sec. 5: SE¼NE¼
Sec. 9: E½SE¼
Sec. 10: SW¼
Sec. 13: Lot 5
Sec. 14: SW¼
Sec. 15: NW¼, E½SW¼, SE¼SE
Sec. 22: SE¼NE¼
Sec. 23: W½NW¼

216A

T.32N., R.40E.,
Sec. 17: SE¼, N½SW¼
Sec. 32: NE¼NE¼
Sec. 33: N½N½, SE¼NW¼

Sincerely,

[signature]

Superintendent

cc: Area Manager, Valley Resource Area, BLM, Glasgow, MT

Enclosures

LO/WAM/cb

Attachments are available for review in the Lewistown District Office.

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FAUNAWEST
Wildlife Consultants

P.O. Box 113 • Browns Gulch Rd. • Boulder, MT 59632 U.S.A. • (406) 225-3221

2,December,1991

B. Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller,

I have reviewed portions of the Draft Judith, Valley, Phillips Resource Management Plan and Environmental Impact Statement and the following are my concerns:

H-24 Your document fails to incorporate recent prairie dog research into any of the alternatives. Given a 30% repopulation rate of prairie dogs following control, prairie dog control is not economically feasible as proposed. Annual maintenance costs are greater than the value of the forage gained. Current research suggests that prairie dog distribution is linked to livestock grazing and soil disturbance. It may be less expensive to manage prairie dogs by providing ranchers who graze cattle on BLM lands inhabited by prairie dogs with a grazing fee rebate and reducing stocking levels on these allotments.

H-23 More importantly, your document fails to recognize the importance of the prairie dog ecosystem to other wildlife species inhabiting the shortgrass prairie. Specifically, the mountain plover and ferruginous hawk. Both of these species are associated with prairie dogs in Phillips County and are currently being considered for Federal protection under the Endangered Species Act. The prairie dog colonies in Phillips County represent the major breeding grounds for the mountain plover. Your management plan does not have any option which would allow for expansion of habitat for these two species.

I-12 I am also concerned with the rejection of the nomination of the Mountain Plover Complex on Little Beever Creek in Valley County as an Area of Critical Environmental Concern (pages 352-353). This is one of the three documented breeding sites in Montana and may represent the second major population in the State. I have reviewed the records of mountain plover sightings in this area and have found 123 observations of 314 birds since 1978. In light of the continuing decline of mountain plovers and the likelihood of being Federally listed, I think BLM should reverse its decision on this ACEC.

Thanks for the opportunity to comment on this management plan.

Sincerely,

[signature]

Craig J. Knowles

218

Dec. 2, 1991
Malta, Mt.

To: Dave Mari, Lewistown District Manager of Bureau of Land Mgt.

There seems to be a continuing concern about the contents of the JVP-RMP by those people with grazing allotments on BLM land.

I have polled a majority of the directors of the Lewistown District grazing advisory board and we are in favor of requesting a meeting of the advisory board.

We would like to have the meeting held in a time frame between the completion of the final draft of the JVP-RMP and when it becomes signed and a record decision made.

Please contact me to work out final details of the time and place of this meeting.

Sincerely
Ken Blunt
Chairman of the
Lewistown District Grazing
Advisory Board.

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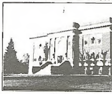
PHILLIPS COUNTY



Malta, Montana
59538

COUNTY COMMISSIONERS
EUGENE (GENE) COWAN, Loring, Montana
SHERMAN DOUCETTE, Malta, Montana
WAYNE C. STAHL, Saco, Montana
Clerk and Recorder: INGELEF I. SCHWARTZ
Treasurer: ELLEN JEAN MAVENCAMP

Assessor: JEANNE L. BARNARD
Sheriff – Coroner: GENE PEIGNEUX
Clerk of Court: FRANCES WEBB
Superintendent of School: GARY A. BADEN
County Attorney: JOHN C. McKEON
Justice of Peace: GAYLE STAHL
District Judge: LEONARD H. LANGEN, Glasgow, Montana

November 27, 1991

TO: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

FROM: Phillips County Commissioners
Phillips County Assessor
Phillips County Treasurer
Phillips County Clerk & Recorder
Malta, MT 59538

RE: Resource Management Plan
Environmental Impact Statement
DRAFT - JULY 1991

INTRODUCTION: The draft resource management plan and environmental impact statement (RMP/EIS) addresses major concerns for Phillips County which is included in the planning area. Issues addressing Agriculture; Hardrock Mining; and Gas Leasing Development on public lands are of great concern to the economic welfare of the residents who live in Phillips County. Property taxes; severance taxes and federal transfer payments regarding agriculture; hardrock mining; and pipelines would be affected most by management actions in this RMP/EIS. Therefore, we would like to submit the following information to update the economic information located on pages 142-143 <u>RMP/EIS Draft July 1991</u>, for the following reasons:

X-8 FIRST: Sources listed were Department of Revenues Biennial Report 1986-1988 and are now 3 years outdated.

SECOND: Due to unforeseen changes in Montana Legislation-mainly the Special Session July, 1989; there has been major changes in the taxation of Net Proceeds not reflected in this section.

219A

Page 2
Comments addressing Draft RMP/EIS
November 27, 1991

X-8 THIRD: Agricultural related taxable value quoted in paragraph 2; page 140 RMP/EIS Draft July 1991 at 11% is too low and should be corrected to current levels (see Table 1).

FISCAL CONDITIONS:

In 1989 the Montana Legislature passed HB 28 in a special session called by the governor to address school funding. Implementation of the new school Bill drastically changed taxation of oil and gas proceeds to help fund public education. Property taxes paid to local government (Cities; Counties; and Schools) would be replaced with a flat rate local government severance tax. The flat rate tax would then apply to all oil and gas produced in Montana. This revenue would then be collected by the State and redistributed back to local government (Cities; Counties; and Schools).

The consequences of this legislation effectively removed a significant portion of the tax base (42%) and shifted the tax burden to the remaining classes of property.

A. AGRICULTURE: Agricultural-related taxable valuation comprises 35% of the total tax base in Phillips County as reflected in Table 1 on page 3. Included as agricultural properties are: livestock; farm & agriculture machinery; heavy equipment; tools; ag land; and ag buildings. Ag related businesses add another 2% to the tax base. Although it takes many taxpayers to constitute 35% of the Phillips County Tax Base, 10 of the top 20 taxpayers in Phillips County are ranchers. The community has already experienced hardship during the severe drought in the 80's. Any adverse impact on agriculture has far reaching effects into the entire community.

219B

Page 3
Comments Addressing Draft RMP/EIS
November 27, 1991

TABLE 1
AGRICULTURAL-RELATED TAXABLE VALUE

CATEGORY	CURRENT TAXABLE VALUE
LIVESTOCK	$ 887,847
AG MACHINERY	1,230,199
HEAVY EQUIP	349,492
TOOLS	12,182
AG LAND	3,857,844
AG BUILDINGS	294,727
TOTAL:	$ 6,932,291

source: Phillips County State Report 1991
*Note: Ag related business's contribute an additional 2% to Ag related taxable value.

B. GAS PIPELINES: Phillips County has enjoyed a prosperous growth in the drilling for natural gas. This trend is expected to continue. Taxable value derived from pipeline mileage; situs; and personal property is shown in Table 2. The gas industry has a significant impact in Phillips County and any alteration in the production of Natural Gas will have a negative impact on the local economy.

TABLE 2
GAS PIPELINE AD VALOREM TAXABLE VALUE

CATEGORY	CURRENT TAXABLE VALUE
PIPELINE MILEAGE	$ 3,963,244
PIPELINE SITUS	32,174
PIPELINE PERS.PROP.	334,581
TOTAL:	$ 4,329,999

source: Phillips County State Report 1991

*Note: Additional revenue is provided from the Local Government Severance Tax of $ 1,868,331.

219C

Page 4
Comments addressing Draft RMP/EIS July 1991
November 27, 1991

C. HARDROCK MINING: When Zortman Mining was first initiated, Phillips County was part of the gas boom taking place in the Northern part of the County as well as the construction of american colloid Bentonite Plant. Employment was doing well and the County was enjoying the benefits a healthy economic environment provides. At this time Zortman was constructing its leach pads and beginning the process of leaching gold.

Just as Phillips county started to appreciate the profits of the Oil and gas boom, the market dropped out of the oil and gas industries and prices crashed. Without the drilling activity the Bentonite plant closed its doors and with the added insult of completely demolishing the plant and burying the concrete.

Zortman Mining helped stabilize the economy by providing employment at the mine and employment by the mine contractor N.A. Degerstrom inc.; C & S Industries; and many other businesses that provide services to the mine.

This operation has had a significant positive impact on Phillips County and helps every person who lives in the region by providing a significant impact to the property based tax system. In 1991, Zortman Mining, Inc. and N.A. Degerstrom provided $ 833,630.62 in property taxes. This figure does not include the Resource Indemnity Trust Tax (RITT) or the Metalliferous Mines Tax that is paid to the State of Montana and provides additional tax revenue.

As stated before, In 1990, the State of Montana removed from local control the tax on its net proceeds and royalties. The impact of this legislation moved Zortman Mining to the largest industry in Phillips County dealing with local ad valoren property tax. The following classifications contributed over 3,790,253 in taxable valuation for County tax base in 1991: Gold Proceeds(Zortman Mining); N.A. Degerstrom(Contractor); and Real Estate(Zortman Mining) owned (See Table 3). The ad valorem taxes of which Zortman Mining, Inc. and associates paid are $ 833,630.62 dollars and make them the largest taxpayer in Phillips County. These taxes support the local government; roads; schools; state equalization of the school system; and all the services a county provides to its citizens. Note: All but the 40 mills to state equalization and the 6 mills for the university system remain in Phillips County.

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Page 5
Comments Addressing Draft RMP/EIS
November 27, 1991

TABLE 3
HARDROCK MINING AD VALOREM TAXABLE VALUE

CATEGORY	CURRENT TAXABLE VALUE
CONTRACTOR FOR MINE:	$ 626,274
GOLD GROSS PROCEEDS:	1,407,357
REAL ESTATE & PERSONAL PROP:	1,756,622
TOTAL:	3,790,253

source: Phillips County State Report 1991.

TABLE 4
SUMMARY TABLE

CATEGORY	COUNTY WIDE % OF TAXABLE VALUE
AGRICULTURE:	35%
PIPELINE MILEAGE:	20%
HARDROCK MINING:	19%
CITIES & TOWNS:	13%
OTHER:	13%
TOTAL:	100%

Note: County wide taxable value 1991; $ 19,533,004
source: Phillips County State Report 1991

SUMMARY: Any management decision made will affect the fiscal economics of the area. When you have 74% of the tax base incorporated into Federal lands all details of that decision must be considered. Please update you records to show current taxable values.

219E

Page 6
Comments Addressing Draft RMP/EIS
November 27, 1991

PHILLIPS COUNTY

BY: _____
Norman Dewhirst, Commissioner

BY: _____
Stanley E. Cowan, Commissioner

BY: _____
Wayne Stahl, Commissioner

BY: _____
Ingolf I. Soberts, Clerk & Recorder

BY: _____
Ellen Jean Mavencamp, Treasurer

BY: _____
Jeanne L. Bernard, Assessor

DATED this 27th day of NOVEMBER, 1991.

220

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
K Kindle, Fred	HC-65, Box 4150 Malta, Mont. 59538	Nov. 29, 1991

No, I'm not interested in a land exchange, the Government wants to trade wasteland for my good bottom lands, the only thing I have of value. There already is far to much Government owned land, which adds no revenue compared to private lands. We are told Govonment lands have increased in Phillips County 30-50% already; this is going to break us all as we can't carry the tax load.--- Then comes the Endangered Species, the wolf, Black Footed Ferret will destroy the cattle and sheep industry just as the Spotted Owl has the timber. So called Environmetal concerns have ruined Oil and Farming industries, there isn't much left our Government can destroy. We are headed right down the same path that Russia is just emerging from, there are some very desperate times ahead for these people. Total Government control and dictatorship do not work; desperate people are not productive!

I served eight years in the forces that guard the 'Greatest Country' ever, now I have to stand by and watch this happen, Uncle Sam if it is not to late PLEASE just say NO!

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

221

prairie wind architecture

December 1

Mr. Gene Miller
Bureau of Land Management
Lewistown District Office
Box 1160
Lewistown, MT

RE: Judith/Valley/Phillips RMP

Dear Gene,

I read the Judith/Valley/Phillips RMP with a critical eye, and I'd like to commend your agency for what seems to me to be a logical and balanced approach, from both an economic and environmental approach.

I particularly appreciate the designation of Lewistown's signature viewshed as an ACEC. I feel this demonstrates a long-term prospective in the face of numerous short term demands.

I think you've done a good job.

Very truly yours,

Jeff Shelman, A.I.A.

JS:cvs

Jeff Shelman, A.I.A. Box 828 Lewistown, Montana 59457 (406) 538-5301

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JENNI RANCH
ROUTE 2, BOX 2228
LEWISTOWN, MT 59457

BUREAU OF LAND MANAGEMENT
LEWISTOWN DISTRICT OFFICE
AIRPORT ROAD
P.O. BOX 1160
LEWISTOWN, MT 59457

Dear Gene Miller

The Jenni Ranch would like all of our property listed in the Draft Judith Valley Phillips Resource Management Plan and Environmental Impact Statement (RMP/EIS) for acquisition removed from all maps, tables and any other documents. This also should include the map in the Lewistown District office for ACEC areas.

The following is a description of our property listed in the letter received from Chuck Otto Numbered 1616.06 JVP:

Legal Description

T.16N.,R.17E.,
Section 2, Lots 1,2,3,4, S1/2NE1/4, SE1/4;
Section 3, Lots 1,2,3, and 4;
Section 10, Lots 3,4,5,6,7, and 8;
Section 14, Lots 1,2,3,4,5,6, and 7, NE1/4, E1/2NW1/4, NE1/4SW1/4, N1/2SE1/4;
Section 12, W1/2W1/2, SE1/4W1/4, SE1/4;
Section 13, Lots 1,2,3,4,5, and 6, NE1/4, E1/2NE1/4, N1/2NW1/4, NE1/4SW1/4;
Section 24, Lots 1,2,3,4,5,6,7,8,9,10, and 11, SE1/4NE1/4;
Section 25, Lots 1,2,3, and 4;

T.17N.,R.17E.,
Section 36, W1/2NW1/4, NW1/4SW1/4, SE1/4SW1/4;
Section 35, SE1/4SW1/4;

We would also like any other reference to parcels of our private property not listed on the above legal description removed from BLM documents.

Sincerely,

223

...ow , ...lgen jr.
...ge ...ks
...ndale, ... 59901
December 4, 1991

...ureau of ..., Judith, Valley, Phillips Resource Management Plan

I am ...ns Feigen of Feigens, Inc., and ... one of the directors of the Feigen Ranch & Livestock Co. of Feigen, ... I was formerly executive officer of the Montana Stock Growers Association and prior to that was Commissioner of State Lands & Investments for the state of Montana 1981-86.

I have read the comments presented Oct. 2nd by the Stockgrowers, Public Lands Council and the Grazing Districts Association and believe they cover most of the concerns I have quite well and can support them all. There are a few items that I want to expand upon insofar as the Feigen Ranch is concerned.

The preferred alternative (...) is cause for alarm in several respects; especially in the land acquisition, access, wetlands management, ...ds and game management. In studying from the standpoint of the Feigen ranch, it would have been very helpful has there been more detailed land description of the lands in question.

There is a tremendous lack of reality in much of the plan. In other words, "Why wish for a loaf of bread when you can just eat well wish for the grocery store?" For example:

A-6
A-11

Director Dy Jamison has been stating that in any exchange program, no net gain was envisioned. Having (21,719 ac. in exchange for 160,0... doesn't sound like any one was listening.

Almost 114,000 ac. of state land has been designated for acquisition with little or no concern about ... reaction. Speaking as one who has had some experience in State-Federal land exchanges this borders on the ridiculous!

Core legal public access will require more road or trail construction, including bridging if necessary. This was

-1-

223B

Feigen ranch for decades. ... leader and more so, it was low carrying capacity, but is important for shade, protection and more ...feeling. While the "uniqueness" of this area cannot be disputed according to those ...experienced at Montana State University, it would seem possible that any research contemplated by either Future Landowners or the BLM could be just as easily accomplished through a cooperative effort with the present ...ownership without ..., the ownership of the tracts involved and further ..., the local tax base.

It is hoped that before you finally consider the plan that you take into consideration these comments along with the many others you have received. Despite the fact that a couple reams of paper and th ...ands of words have gone into each document, there is still little information as to who the adversely were for the various options. It is clear that the resident livestock men were given few options.

I hope that this situation can be rectified before this becomes final.

Thank you.

Yours ...ggin ...

-2-

223A

...ated by BLM officials at the meeting in Lincoln even though they weren't sure where the money would come from.

G-4

The plan calls for an expansion of Big game habitat but is silent as to the wishes of the Dept. Fish Wildlife & Parks in the matter. It is hoped that the BLM won't fall into the same trap Yellowstone Park officials have in overestimating the carrying capacity of their area.

Calling attention to the bats in Azure Cave will probably do more to reduce the bat population than anything thought of yet. Some all of the cave-lovers begin to arrive to see what they have been unaware of up to now, the bats are most likely to disappear.

Specific problems of concern to the Feigen ranch and its neighbors:

1. Land Acquisition: 1120 ac. of state land plus 547 ac. of Feigen deeded land is proposed for acquisition as necessary for game habitat, hunting and picnicing. It should be realized that the reason these lands are desirable today is because of the protection afforded them by this century old ranch. Hunting has been available and I suppose picnicing would be all right assuming someone would be interested where there is no water. The habitat that is there is more likely to change under private control than it would be when the government takes over.

2. Additional legal public access: The areas described as the Feigen Hills and Co. and ... Mound Creek embrace lands owned by the Feigens or are state lands which they lease from BLM. There have been no access problems with the possible exception of those hunters who want to do their hunting with a pickup.

3. Cold Annie Pine Forest ...: The ... forms lake ...ground involves an area that has been used by the

-2-

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State of Montana
Office of the Governor
Helena, Montana 59620
406-444-3111

STAN STEPHENS
GOVERNOR

December 5, 1991

David L. Mari
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, Montana 59457-1160

Dear Mr. Mari:

Please accept this letter as the State of Montana's comments to the Draft Judith Valley Phillips Resource Management Plan and Environmental Impact Statement. You may also be receiving some specific comments from various state agencies of Montana state government as well.

From the length and detail of this draft resource management plan, it is obvious that it was prepared after much thoughtful deliberation. You are to be commended for now allowing public review and comment of this draft, as well as holding a number of meetings in the central Montana area and extending the public comment period until December 1991. Given the large numbers of alternatives and the various categories addressed by this draft, it is absolutely essential that the public be fully informed about the alternatives and the potential consequences for choosing specific management alternatives.

The Judith, Valley and Phillips Counties represent a good example of the state of Montana's rich historical heritage, as well as our future opportunities. This area contains the traditional industries that developed Montana (i.e., agriculture, livestock production, mining and logging) as well as the various service and government activities that are supported by these basic industries. Consumptive use of the land forms the economic backbone for people in central Montana and the rest of the state.

There are now, however, pressures to increase nonconsumptive uses of public, as well as private, land. These new amenity based activities, including a growing tourism industry, are of increasing importance to your studied region of Montana, as well as the entire state.

224A

David L. Mari
December 5, 1991
Page Two

In planning for future land uses, it is absolutely imperative that the local people have an effective and heavily-weighted voice in the decisions that affect their lives. Even though this draft plan concentrates on federal public land issues, public land and local populations are interdependent on one another. Local people make the area what it is today, and will continue to provide the year-round and long term stewardship to this important region in Montana. Their voices deserve to be heard, and heeded, when making decisions affecting the use of public lands.

While it is true that nonconsumptive uses of public land will be of increasing importance in the years ahead, I understand that some of the local citizenry believe that the draft resource management plan may be encouraging these changes "too much, too soon."

For example, the draft plan identifies over 600,000 acres that meet BLM's acquisition criteria, yet identifies only one-fourth of that amount of BLM land that is available to exchange. These exchanges should be on a strictly voluntary basis, with private landowners volunteering to sell or exchange their land. The BLM should also consult with neighboring landowners that may be affected by changing land uses, as well as local governments that would be affected by property tax changes.

The draft plan also prefers alternatives that would restrict the ability to develop oil, gas and minerals. Through proper environmental planning and mitigation, these uses should be able to occur in an environmentally responsible manner. Because "minerals are where you find them," the advisability of restricting such consumptive uses, prior to fully understanding the specific mineral potential that will be lost due to the restrictions, is questionable at best.

There have also been a number of concerns raised about the reintroduction of the black footed ferret into this area. Proposals to reintroduce endangered species creates an enormous amount of uncertainty concerning future allowable uses of public and private land. Until a plan can be agreed upon by all interested parties, that would not only welcome the reintroduction efforts, but also have a high probability of success to both the reintroduced species as well as the surrounding human uses, such reintroduction is questionable. It may also be advisable to analyze results of the reintroduction efforts in Wyoming prior to Montana hosting such an effort.

In conclusion, the Bureau of Land Management has assembled an enormous body of knowledge in the Draft Judith Valley Philips plan. I would encourage you to build on this foundation by

224B

David L. Mari
December 5, 1991

acquiring as much public input as possible. Prior to the implementation of any management changes, I would also encourage you to work with private landowners, conservation districts, citizens' groups, and state agencies. The eventual outcome will then provide for future management decisions that blend Montana's rich heritage with the prosperous future all Montanans desire.

Sincerely,

STAN STEPHENS
Governor

cc: Robert Lawton, State Director
Bureau of Land Management

225

12-4-91

Dear Mr. Miller

please accept this as my written comment concerning the Judith Valley Phillips Resource Management plan.

1. Land Aquisition and Disposal
I prefer Alternative A, Current Management.

2. Access to BLM Land
I prefer Alternative E, the preferred alternative

3. Off Road Vehicles
I prefer Alternative A, Current Management

4. Oil and Gas Leasing and Development
I prefer Alternative E, the preferred alternative

5. Hardrock Mining
I prefer Alternative E, the preferred alternative

6. Riparian and Wetland Management of Watersheds
I prefer Alternative D.

7. Elk and Bighorn Sheep Management
I prefer Alternative E. Although I see little difference from Alternative D.

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8. Prairie Dog and Black Tailed Ferret Management - I prefer my own alternative "Poison oats".

9. —

Thank You

Steve Schmidt
Glasgow MT.

Defenders OF WILDLIFE

December 5, 1991

Mr. B. Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller,

Please consider the following comments on behalf of Defenders of Wildlife concerning the Judith/Valley/Phillips Resource Management Plan EIS.

We commend you for developing a document that is generally well-organized and easy to follow. We are concerned, however, that analysis and documentation that would allow the average citizen to understand why the BLM has chosen a specific management direction is often lacking. This is especially true with prairie dog management recommendations.

The BLM has done a reasonable job of looking at a variety of potential candidates for ACEC designation. We believe, however, those of the candidates area should have been recommended for designation. We specifically would urge ACEC or CNA consideration for BLM lands near the Missouri River.

We support the thrust of BLM direction on elk and bighorn sheep management. We believe the document should have explained more fully, however, how enhancing these wildlife values could play an important role in increasing local tourism. In our view, this area of Montana--because of its proximity to the C.M. Russell National Wildlife Refuge and the Wild and Scenic Missouri River--may become an extremely important recreation and tourism area in the future. It's the largest, most scenic and most undeveloped portion of the Northern Great Plains. The EIS fails to adequately recognize the national significance of its lands near the Missouri River.

For most of the same reasons stated above, we also support the BLM's general direction concerning land acquisition and disposal. We would urge you to consolidate BLM lands along the Missouri River, especially those near the C.M. Russell National Wildlife Refuge. Again, we believe the long-term benefits of such an approach--both to the local economies and in the national interest--are substantial.

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Defenders OF WILDLIFE

The document does make it clear (page 151) that virtually every livestock permittee with a grazing allotment wants to see prairie dogs controlled on public lands. But the BLM never presents any reasons to the public for why this course of action is necessary or desirable. The EIS offers no documentation or support for the livestock permittee's contentions that prairie dogs are having a significant impact on livestock production, nor does it offer the slightest documentation that prairie dogs are harming other resources. To the contrary, the document discloses no impacts to soils from even the highest levels of prairie dogs (page 159, Impacts to Soil and Vegetation from Management Common); it show no impacts to the economy (page 159, Impacts to Economic Conditions); and it shows no impacts to livestock grazing (Impacts to Livestock Grazing Management; page 176).

Past BLM documents (BLM Prairie Dog Ecosystem Habitat Management Plan; The Prairie Ecosystem: Management for Biological Diversity, etc.) have clearly defined the important ecological role of prairie dogs. They've said that how dog towns are often the center of wildlife activity in prairie ecosystems, and that nearly forty other species of wildlife depend upon them. This important information is largely omitted from the draft EIS.

H-25 In fact, in the Alternatives section (page 127), the ecological importance of prairie dog towns isn't even mentioned. Instead, it's asserted that prairie dogs only have become a significant resource since 1983, when people started to travel to the resource area to view them.

This section epitomizes what's wrong with the draft EIS's approach to prairie dog management. Prairie dogs have always been an importance resource in this area. They were important in the days of Lewis and Clark just as they're important today--and for the same reasons. They are a central feature of the prairie ecosystem, performing important ecological functions and providing habitat for many other species. The critical shortcomings of this document are that it fails to recognize the importance of prairie dogs and it fails to protect their habitat.

The problem with allocation of prairie dog acreage is most acute in the Judith and Valley RAs. Simply maintaining the current extremely low levels of prairie dogs in these areas (a whopping 71 acres in the Judith RA) is completely unacceptable and without foundation. The BLM must present some evidence for why such a policy is desirable.

H-26 If there are substantial wildlife benefits derived from having significant prairie dog acreages in the Phillips RA (significant enough that the prairie dog complexes are proposed for an ACEC designation), then why aren't there similar benefits in the Judith and Valley RAs, where prairie dog numbers are much smaller?

Defenders OF WILDLIFE

PRAIRIE DOG MANAGEMENT

Our primary concern with this EIS involves your recommendations for prairie dog management. The document fails to provide a scientific basis for its decision that prairie dogs must be maintained at artificially low levels. It's simply not possible from the information provided in this EIS to understand the rationale the BLM has used for making its most fundamental decision: how many acres of prairie dog towns should be allowed to exist in various resource management areas?

H-24 We find this completely indefensible and consider it a basis for challenging this section of the document. We strongly urge the BLM to correct this problem in the final EIS.

While the preferred alternative proposes an ongoing government poisoning program to keep prairie dogs at artificially low levels, it fails to offer even a shred of evidence for why such a program is necessary or desirable. It's only by looking at Appendix I that one can find a basis for the management options being H-24 offered. Even at that, the numbers which appear in Appendix I appear to be completely arbitrary and without any scientific foundation, as they are based only on simple percentages (1% or 10%). If there is a scientific base for these numbers, it's neither disclosed nor referenced in the EIS.

Further, the conclusions of this EIS appear to be in conflict with existing BLM policy for prairie dog management on public lands. That policy states (BLM Prairie Dog Ecosystem Habitat Management Plan): "Where it has been documented through field investigation that prairie dogs cause unacceptable damage to public resources, such as soil loss or destruction of vegetation, a variety of land treatments including prairie dog control will be considered for rehabilitating rangelands."

The document provides no evidence that prairie dogs are causing unacceptable damage to public resources. To the contrary, it states plainly that prairie dogs will have little impact on livestock AUM levels, on soil or on vegetation. Even in Alternative D--the alternative that allocates the most acreage to prairie dogs--the analysis concludes (page 176) "the change in AUMs may not be significant enough to require a reduction in livestock grazing". The preferred alternative calls for no H-24 changes in livestock levels to accomodate prairie dogs. If prairie dogs aren't and won't cause "unacceptable damage to public resources"--even at much higher levels--then why does BLM feel it needs to keep prairie dogs at an artificially low level, to the detriment of a broad range of wildlife species?

Defenders OF WILDLIFE

The Bureau has a mandate under FLPMA to manage for a diversity of wildlife on its lands. We believe your prairie dog management recommendations--which virtually eliminate a key component of the prairie ecosystem over two-thirds of this area--violate that law.

Maintaining prairie dog populations should not be a priority on public lands just because of black-footed ferret recovery initiatives and the incumbent Endangered Species Act responsibilities. Such an approach sorely misses the point. Prairie dogs should be allocated a place on our public lands because they are an important wildlife resource in themself. The fact that ferrets are nearly extinct is only testimony to the fact that federal agencies have historically failed to recognize their importance. Your own document explains that prairie dogs have been reduced to levels far below their original range (both Clark and Knowles estimate less than 10% of their original range) and making prairie dogs or even more natural levels is critical to maintaining biological diversity on BLM lands. The BLM must make a commitment to expanding this important wildlife habitat.

We would strongly recommend that BLM allow prairie dog populations to expand in the Judith and Valley RAs to more natural levels (at least 9,000 acres). If the BLM is truly concerned about promoting biological diversity across its resource areas, it's indefensible not to allow these prairie dog towns to expand.

We believe the final EIS must also clearly define the circumstances under which prairie dogs will be controlled, as has been done in the Prairie Dog Ecosystem Habitat Management Plan. We find an arbitrary level of 1% or 10% totally unacceptable.

We have one final concern. To the extent that BLM has assumed the role of managing prairie dog populations on its land through shooting (normally a state responsibility), the BLM has a duty to ensure that its prairie dog shooting program will not jeopardize ferret recovery. It's clear that concentrated shooting can significantly diminish the ferret prey base. This could inhibit recovery. Shooting must be managed in a way that this concern is addressed. This EIS contains no management plan for shooting, nor does it contain any strategy for maintaining high prairie dog densities in the ferret recovery area. Under the RMP, shooters could severely deplete the ferret's prey base. We strongly urge you to establish a management plan in your final EIS, or you will risk breaching your Endangered Species Act responsibilities.

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Defenders OF WILDLIFE

We are committed to seeing the EIS implement a balanced, rational and scientifically-based prairie dog management program in these resource management areas. We are prepared to challenge these plans if significant changes aren't made in the final EIS. Specifically, we'd like to see: 1) a prairie dog management policy that recognizes prairie dogs as an important component of BLM lands that will be controlled only when there's documented resource damage or conflict; 2) a plan that allows for expansion of prairie dog towns in Valley and Judith RAs to more natural levels, as described above (to at least to 9,000 acres in each RA); and 3) a management plan for prairie dog shooting.

ACECs

We support all of your recommended ACECs. Your notion of making the prairie dog towns in Phillips County an ACEC is commendable. We also strongly support your Collar Gulch and South Moccasins-Judith Mountains recommendation. They show sensitivity to important areas. Perhaps the biggest shortcoming from an ACEC standpoint is the failure of the draft EIS to recognize the unique attributes of the BLM lands contiguous to the Missouri River.

I-6

Viewed individually, they may fall short of the stated criteria. But when considered together, and in the context of proximity to the C.M.R. National Wildlife Refuge, they take on national significance. BLM could show great vision by developing a proposal that designates its holdings near the Missouri River as ACECs. If they don't meet ACEC criteria, these lands might jointly be considered as an Outstanding Natural Area. This would be similar to what BLM's Butte District did when it designated BLM lands along the Rocky Mountain Front as an ONA.

ELK AND BIGHORN SHEEP

We support the EIS recommendations for elk and bighorn sheep management. The range of these species can be expanded with only minor impacts to adjacent landowners.

LAND ACQUISITION AND DISPOSAL

We support the general direction which the BLM proposes for land acquisition. At the same time, we would strongly urge the BLM to give highest priority to opportunities for consolidation of its holdings in the area near the Missouri River. We also support the BLM thrust of acquiring key tracts important to endangered species or riparian habitats.

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LAND AND WATER FUND

"Legal Action for the Environment"

December 9, 1991

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Serving The Rocky Mountain West

B. Gene Miller
Lewistown District Manager
Bureau of Land Management
P.O. Box 1160
Lewistown, Montana 59457-1160

Re: Comments of Red Thunder Inc.
on Phillips Resource Area RMP/EIS
Prepared by Bureau of Land Management

Dear Mr. Miller:

The following comments are filed on behalf of Red Thunder Inc., an association of Native American traditional people on the Fort Belknap Reservation. The comments are directed to the BLM's July 1991 draft Resource Management Plan and Environmental Impact Statement (RMP/EIS) for the Phillips Resource Area.

In particular, the comments address the failure of the RMP/EIS to adequately consider the impacts of mining expansion in the Little Rocky Mountains. As you know, Zortman Mining Inc. currently operates what is reputed to be the world's largest cyanide heap leach gold mine there at its Zortman/Landusky operation.

As detailed below, we believe the RMP/EIS violates the Federal Land Policy & Management Act (FLPMA), 43 U.S.C. § 1701 et seq., Bureau of Land Management regulations, the National Historic Preservation Act (NHPA), 16 U.S.C. § 470 et seq., Executive Order 11593, the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 et seq., Council on Environmental Quality regulations, the American Indian Religious Freedom Act (AIRFA), 42 U.S.C. § 1996 and BLM's "trust" duty for the protection of Native American tribes. Red Thunder requests BLM to undertake major revisions in this document prior to issuance of a final RMP/EIS to ensure that the agency is in compliance with these laws and regulations.

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Again, our comments regarding acquisition revolve around our belief that this area surrounding the Missouri River will eventually be recognized as the heart of the Northern Plains prairie ecosystem. The current economy which is based on the extraction of resources is likely to give way to an economy that emphasizes the protection of unique natural features.

SUMMARY

This draft EIS proposes a seriously-flawed prairie dog management plan--one we would be compelled to challenge if it doesn't change prior to the final EIS. While we recognize the BLM's legitimate concern for being responsive to the desires of its grazing permittees, in this case it would be done at considerable expense to important wildlife habitat and biological diversity.

We support BLM direction in several other parts of the document, especially in regard to elk and bighorn sheep management and land acquisition direction.

Thank you for the opportunity to comment.

Sincerely,

Hank Fischer
Northern Rockies Representative

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1. The Phillips RMP/EIS violates FLPMA, BLM regulations, the NHPA and Executive Order 11593 because the BLM has failed to locate and inventory Native American historic sites eligible for listing on the National Register of Historic Places in the Little Rocky Mountains.

Twenty-five years ago this year, Congress enacted the National Historic Preservation Act out of concern that "historic properties significant to the nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency." 16 U.S.C. § 470(b)(3). The NHPA created the National Register of Historic Places and established a national policy that the federal government shall "provide leadership in the preservation of the ... historic resources of the United States." 16 U.S.C. § 470-1(2). To carry out this policy, Congress made it clear that federal agencies were to "administer federally owned, administered, or controlled ... historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations." 16 U.S.C. § 470-1(3).

More specifically, Congress directed that: "...(E)ach Federal agency shall establish a program to locate, inventory, and nominate to the Secretary all properties under the agency's ownership or control by the agency, that appear to qualify for inclusion on the National Register..." 16 U.S.C. § 470h-2(a)(2).

Five years after the enactment of this legislation, in 1971, the President issued Executive Order No. 11593, which more specifically defined the duties of federal agencies in this regard. Under this order:

"...(F)ederal agencies shall ... no later than July 1, 1973 ... locate, inventory, and nominate ... all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places." Ex. Or. 11593, Sec. 2(a) (emphasis added).

In 1976, Congress enacted the much-broader Federal Land Policy & Management Act governing the general operations and management of the public lands under the

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Bureau of Land Management. In enacting this legislation, Congress assumed that "the national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process." 43 U.S.C. § 1701(A)(2).

To carry out these ends, BLM was required to prepare land use plans, 43 U.S.C. § 1712(a), and to "prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values..." 43 U.S.C. § 1711(a).

In developing its land use plans, BLM recognized through its own planning regulations that the agency "shall arrange for resource, environmental, social, economic and institutional data and information to be collected, or assembled if already available." 43 C.F.R. § 1610.4-3.

Now 25 years after the enactment of the NHPA, fully 18 years after the deadline set in Executive Order 11593, 15 years after the resource inventories required by FLPMA, BLM has still not adequately "inventoried" or "located" eligible Native American historic sites in the Little Rocky Mountains, as required by NHPA, Executive Order 11593, FLPMA and BLM regulations.

Approximately 13 years ago, the Montana Historical Society wrote a letter to the Montana Department of State Lands, BLM's partner agency in overseeing the Zortman/Landusky Mine, about the presence of potential historic sites in the Little Rockies. In that letter the Society wrote:

> "I wish to advise you that there are identified cultural resource areas. No comprehensive inventory has been conducted, so it is likely that other sites are also there, which will be endangered by mining activity... If possible, please arrange for an inventory to identify any other sites in this area." (Exhibit A) (emphasis added).

To this day, nearly 13 years later, despite the mandate of NHPA, despite the mandate of Executive Order 11593, despite the mandate of FLPMA and BLM regulations, despite the warnings of the Historical Society nearly 13 years ago, no comprehensive inventory of Native American historical sites in the Little Rockies has been conducted

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by BLM, and existing sites are still "endangered by mining activity."

There can be no question that there are numerous Native American traditional/cultural sites in the Little Rockies that are eligible for listing on the National Register of Historic Places. In June of 1990, Don Plessner, a BLM archeologist, identified a number of potential sites that are now threatened by Zortman Mining Inc. operations in the Little Rockies. His report showed that:

> "These resources are extremely important to the Native American people who use them."

and:

> "It is further recommended that these cultural resources be considered to be eligible for nomination to the National Register of Historic Places..." (Exhibit B).

But Mr. Plessner's report was hardly the definitive study or inventory of Native American sites in the Little Rockies. Mr. Plessner specifically noted in his brief five-page report that:

> "(t)his (report) represents the barest of location and association information regarding these historic socio-cultural properties." (Exhibit B).

As a result, the "inventory" required by NHPA, by Executive Order 11593, by FLPMA, and by BLM regulations, has still not been done.

Heanties, potentially "eligible" sites are threatened by further siting at the Zortman/Landusky operation and BLM has done nothing to alleviate the conflicts. Resolving conflicts of this nature is one of the central reasons that Congress ordered the BLM to begin comprehensive land use planning. Nevertheless, the Phillips RMP/EIS is hopelessly inadequate in resolving these conflicts. For example, Mr. Plessner in his 1990 report listed "Old Scraggy Peak," "Saddle Butte," "Indian Peak," and "Mission Peak" as areas potentially "eligible" for listing on the National Register of Historic Places. As of December 1990, however, Zortman Mining Inc. had

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applied for mineral exploration rights on these mountain peaks. It is hard to imagine how the isolation required by Native American "vision questing" at these historic and sacred sites can take place with the intrusions of roads, drill sites and, eventually, large-scale open pit mines.

In addition, Mr. Plessner listed a site at Antoine Butte (Map Point 12) as an "important ... fasting area" in his 1990 report. (Exhibit B). Nevertheless, BLM's RMP lists "Antoine Butte" as a forseeable future location for open pit mining as an expansion of the Zortman/Landusky operation. (Appendix C at p.329). The RMP says: "Development of the Antoine Butte deposit could take place in approximately 5 years." (RMP/EIS at p.328).

At some point, BLM's inaction with respect to the inventories required by NHPA, by Executive Order 11593, by FLPMA and BLM regulations can be considered nothing other than an open defiance of the law. And Thunder submits that BLM's preparation of the Phillips RMP/EIS is blatantly illegal for failing to include an inventory or location of Native American historic sites in the Little Rockies that are eligible for listing on the National Register of Historic Places.

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> II. The Phillips RMP/EIS violates NEPA, CEQ regulations and BLM regulations because it fails to adequately disclose impacts on Native American historical sites in the Little Rockies, including the likely irretrievable destruction of numerous sites.

Under NEPA, a federal agency is required to prepare an Environmental Impact Statement (EIS) for major federal actions significantly affecting the human environment. 42 U.S.C. § 4332(2)(C). There can be no dispute that BLM's adoption of an RMP is such a major action. 43 C.F.R. § 1601.0-6. Under federal law, an EIS must be a "detailed" document. 42 U.S.C. § 4332(2)(C). This means, according to federal regulations, that the information contained in an EIS must be of "high quality." 40 C.F.R. § 1500.1(b), and an EIS must contain a "full and fair discussion of significant environmental impacts..." 40 C.F.R. § 1502.1.

BLM's own regulations recognize that information in an RMP/EIS must be high quality and detailed. These regulations specify that an RMP "shall estimate and

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display the physical, biological, economic, and social effects of implementing each alternative considered in detail." 43 C.F.R. § 1610.4-6 (emphasis added).

The Phillips RMP/EIS woefully fails to meet these high standards with respect to its description of impacts of mining in the Little Rocky Mountains on important Native American historic sites. Of course, BLM failed to even adequately identify these sites, as required by law, it is not at all surprising that the RMP/EIS does not adequately consider impacts on these sites.

The deficiencies are serious. Nowhere in the RMP/EIS does the document discuss the severe visual impacts that expanded mining will have on Native American sacred sites or how expanded mining will interfere with the ability of Native Americans to gather medicinal plants used for traditional healing.

Instead, the RMP/EIS merely states in the most broadbrush fashion that mining development could negatively impact a projected four cultural properties for the entire resource area. See Summary Table, p. xx, and Impacts to Cultural Resources from Hardrock Mining, p. 196.

Nowhere in the RMP/EIS are these four properties specifically identified. Nowhere in it disclosed what specific types of properties may be affected. Nowhere is it specified whether these properties are in the Little Rockies are elsewhere.

Nevertheless, the limited conclusion that "four properties" of historic significence "could" be negatively impacted is frankly, laughable. Mr. Plessner in his 1990 report identified at least four Native American sites that are threatened by imminent mineral exploration by Zortman Mining Inc. and another site that is threatened by open pit mining planned by Zortman in the near future. Indeed, in view of the large scale, major expansion of mining planned by Zortman throughout the Little Rockies -- an area comprising roughly a full township of federal land -- it is most likely that dozens of historic properties, including old Western mining properties as well as Native American sacred sites, will be utterly destroyed.

The disclosure of these impacts in the Phillips RMP/EIS is wholly inadequate under NEPA, CEQ regulations and BLM's own regulations. The terms of NEPA explicitly require that federal agencies disclose "any irreversible and irretrievable commitments of resources which would be

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involved in the proposed action should it be implemented." 42 U.S.C. § 4332(2)(C)(v). Under BLM's regulations, NMPs "are designed to guide and control future management actions..." 43 C.F.R. § 1601.0-2. The Phillips RMP/EIS does not disclose the likely irretrievable loss of numerous Native American historic sites in the Little Rockies occasioned by the envisioned mining that the RMP authorizes.

U-3

III. The Phillips RMP/EIS violates NEPA, FLPMA, NHPA, BLM regulations and CEQ regulations because it fails to consider any alternatives for the protection of Native American historic sites from the impacts of mining in the Little Rocky Mountains.

Under NEPA, regardless of whether an EIS is required or not, a federal agency is required to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. § 4332(2)(E). The statute mandates that an EIS itself must include a discussion of "alternatives to the proposed action." 42 U.S.C. § 4332(2)(C)(iii).

CEQ regulations make very clear that the discussion of alternatives "is the heart of the environmental impact statement." 40 C.F.R. § 1502.14. To carry out this central function, agencies are required to "(r)igorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14(a). BLM regulations fully recognize that these mandates apply to an RMP/EIS. 43 C.F.R. § 1610.4-5.

Protection of eligible historic sites in the Little Rockies in some fashion is a very reasonable alternative. In fact, the NHPA itself requires that:

> "Consistent with the agency's missions and mandates, all Federal agencies shall carry out agency programs and projects ... in accordance with the purposes of this subchapter, and give consideration to programs and projects which will further the purposes of this subchapter." 16 U.S.C. § 470h-2(d) (emphasis added).

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Moreover, the alternative of protecting historic/sacred sites in the Little Rockies has been specifically requested by the governing body of the Native Americans on the Fort Belknap Reservation, the Fort Belknap Community Council. That resolution provides:

> "...WHEREAS, proposed exploration and mining is being considered for expansion into all of the B.L.M.-administered lands adjacent to the southern boundary of the Reservation, destroying or adversely impacting numerous important historical and traditional religious sites used by the Gros Ventre and Assiniboine people in their culture, religion and subsistence...
>
> "NOW THEREFORE BE IT RESOLVED, that the Fort Belknap Community Council does hereby respectfully request the Secretary of the Interior to intervene and halt all further expansion of mining activities and exploration in the Little Rockies of Montana until such time as the preservation of Tribal cultural resources and historical/religious sites can be properly guaranteed for the and future generations of Gros Ventre and Assiniboine Indian..." (Exhibit C) (emphasis added).

Moreover, BLM, under federal law, may not simply ignore this request. FLPMA requires that:

> "In the development and revision of land use plans, the Secretary shall ... to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning and management activities of or for such lands with the land use planning and management programs ... of or for Indian tribes.... In implementing this directive, the Secretary shall, to the extent practical, assure that consideration is given to those ... tribal plans that are germane in the development of land use plans for public lands...." 43 U.S.C. § 1712(c)(9).

As a result, the mandate of FLPMA, the mandate of NHPA,

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the mandate of NEPA, the mandate of CEQ and BLM regulations, all require that BLM consider an alternative that protects Little Rocky Mountain Native American sacred sites from destruction by mining.

Sadly, however, none of the alternatives in the RMP/EIS seriously considers any limitations on mining in the Little Rockies for the protection of sacred sites. Under FLPMA it is very clear that the Secretary of the Interior has the power to withdraw public lands in order to restrict mining. 43 U.S.C. § 1714(a). In fact, the secretary of the Interior is specifically authorized to make mineral withdrawals that may exceed 5,000 acres and last for up to 20 years. 43 U.S.C. § 1714(c)(1). In addition, the Secretary of the Interior can restrict specified uses of the public lands by simple "management decision" made pursuant to BLM's land use plans. 43 U.S.C. § 1712(e).

Nevertheless, the RMP/EIS fails to consider any alternative that would protect Native American historic sites in the Little Rockies by means of a limited withdrawal or management decision. Instead, the RMP considers the following Little Rocky mineral withdrawals:

> Alternative A: ... 386 acres for recreation and (RMP/EIS at p.26) town sites.
>
> Alternative B: ... 0 acres. (RMP/EIS at p.46).
>
> Alternative C: ... 180 acres for recreation sites. (RMP/EIS at p.57)
>
> Alternative D: ... 5,950 acres for recreation sites, (RMP/EIS at p.69). town sites, bighorn sheep.
>
> Alternative E: ... 2,500 acres for recreation sites, (RMP/EIS at p.83). cemetery.

None of the alternatives considers significant closure of the more than 29,000 acres of public lands in the Little Rockies to mining. All alternatives considered involve only minimal, token mineral withdrawal and none consider any withdrawal for historic sites, much less Native American historic sites. As a result, Red Thunder submits the RMP/EIS violates NEPA, NHPA, FLPMA, CEQ regulations and BLM regulations.

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U-3

IV. The Phillips RMP/EIS also violates BLM's "trust" duties for the protection of Native American tribes and the American Indian Religious Freedom Act because BLM has failed to adequately locate Native American sacred sites in the Little Rockies and the RMP/EIS failed to consider any alternative that would protect those sites.

Under pertinent and historic court decisions, the federal government has a special trust relationship with Native Americans. United States v. Kagama, 118 U.S. 375 (1886) ("The Indian tribes are wards of the nation."). This trust relationship imposes a fiduciary duty on the federal government to protect tribal property rights, Seminole Nation v. United States, 316 U.S. 286 (1946), hunting and fishing rights, Menominee Tribe v. United States, 391 U.S. 404 (1968), water rights, Arnold Lake Paiute Tribe v. Morton, 386 F.Supp. 252 (D.D.C. 1973), and rights of cultural significance, United States v. White, 508 F.2d 453 (8th Cir. 1974). The federal government's "trust" relationship also encompasses protection for Native American sacred sites since they are essential for the preservation of Native American culture. See The Trust Doctrine: A Source of Protection for Native American Sacred Sites, 38 Cath.U.L.Rev. 705 (1989).

In 1978, Congress acknowledged the importance of protecting Native American historical and cultural sites by enacting the American Indian Religious Freedom Act (AIRFA), 42 U.S.C. § 1996. The act established a national policy that the United States shall "protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites." 42 U.S.C. § 1996.

The Act further required the "various Federal departments, agencies, and other instrumentalities responsible for administering relevant laws to evaluate their policies and procedures in consultation with native traditional religious leaders in order to determine appropriate changes necessary to protect and preserve Native American religious cultural rights and practices."

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42 U.S.C. § 1996.

The Act demonstrates Congressional intent to create a trust obligation for the protection of Native American traditional religious practices and sites. To meet this obligation, BLM must at the very least consider Indian religious values when undertaking a land use project such as the mining expansion contemplated by the RMP/EIS. Wilson v. Block, 708 F.2d 735 (D.C.Cir. 1983), cert. denied, 464 U.S. 1056 (1984).

In this case, BLM's failure to locate and inventory Native American religious sites, BLM's failure to adequately consider their likely destruction by increased mining and BLM's failure to consider any alternatives for their protection violates BLM's federal "trust" duties for the protection of Native Americans and AIRFA.

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V. The Phillips RMP/EIS violates NEPA, CEQ regulations and BLM regulations because it fails to adequately disclose impacts on water quality likely to be caused by mining in the Little Rockies.

As we have already said, NEPA and federal regulations require that an EIS contain "detailed" disclosure of environmental impacts with "high quality" information and "full and fair disclosure." 42 U.S.C. § 4331(2)(C); 40 C.F.R. §§ 1500.1(b), 1502.1; 43 C.F.R. § 1610.4-6.

The entire RMP/EIS contains 13 paragraphs discussing potential direct water quality impacts from hardrock mining. (RMP/EIS at 167-168). The gist of this disclosure is that:

"Surface and groundwater degradation is possible during and after mining operations. Suspended sediment is the major pollutant associated with exploration projects. Heavy metals, changes in pH, increases in dissolved solids, nitrates and cyanide are the most common pollutants from actual mining operations...

"If state and federal regulations are followed, no significant water quality degradation should occur, under normal

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operating conditions... When normal conditions are exceeded, the potential for surface and groundwater contamination is increased. As the number of active mine sites increase, the risk of experiencing abnormal operating conditions and water quality degradation also increases." (RMP/EIS at 167-168).

The entire RMP/EIS contains one paragraph on the cumulative effects of the preferred alternative on water quality:

"The cumulative effects on air and water quality would be positive. Water quality would improve through grazing management on 2.38 million acres with riparian-wetland areas by increasing stream bank vegetation and reducing erosion. Water quality could be impacted by cyanide contamination from hardrock mining operations." (RMP/EIS at p.221).

Given the scope of the mineral exploration and mining that is expected in the Little Rocky Mountains, this kind of disclosure is disgracefully inadequate. As the EIS projects:

"In the foreseeable future 40 exploration projects are anticipated for the Little Rocky Mountains and surrounding area.... At any one time an estimated 8 to 10 projects will be in one of the following stages: initial evaluation, actual construction and drilling, held open for study, or in the reclamation phase..." (RMP/EIS at pp.326-327).

The RMP/EIS also projects that the Little Rockies will see 8 new actual, open-pit mining projects, including two expansions of the existing mines, four entirely new pits, and the development of sulphide ore at the existing mines, which poses an especial threat to water quality. (RMP/EIS at p.329).

Nowhere in the RMP/EIS are the affected water bodies mentioned. The location and extent of pollution is not specified. There is no indication whether mine-caused degradation will simply add sediment to the water, or pollute it so badly that it is a health threat. No idea

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is given whether fish will continue to survive. It is hard to see how the cumulative impact to water quality affecting the Native Americans on the Fort Belknap Reservation will be "positive" as the RMP/EIS claims. Clearly, the disclosure contained in the RMP/EIS pertaining to water quality impacts is thoroughly inadequate.

Thank you for the opportunity to submit these comments, and we respectfully request that the RMP/EIS be substantially changed to address these very serious concerns.

Yours truly,

Patti Zogg
Pamela Rowell
Sandy Crane

on behalf of Red Thunder Inc.

cc: Red Thunder
D. Marble
V.McConnell
Cong.Williams
R.Dunnigan,DOI

Attachments are available for review in the Lewistown District Office.

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12/4/91

Dear Sir

The BLM recently issued an E.I.S. covering 2 Million Surface Acres and More Than 3 Million Acres of Federal Mineral Rights in Judith Basin, Fergus and Phillips Counties. Among its Proposals is To Create Areas of Critical Environmental Concern, where Mining could be Prohibited Simply because it Can be Seen From Population Centers. This could set A State wide Precedent For other Areas As well, This Could Hurt Mining Operations Simply because a few People might not like the looks of it.

Lands Should be Managed on a Specific Site Basis not on Blanket Prohibitions To Stop Exploration and Mining in This Area would be a Terrible Economic Loss To Lewistown and The whole Area. The Soviet Union is a pure example Of To Much Bureaucracy, And The Same Thing could Happen Here, So Please Think About This, And Stop This new Set of Goverment Regulations

Yours Truly
Harvey H. Frederickson
3926 Hy #2 S.
Libby MT 59923

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December 6, 1991

District Manager
Bureau of Land Management
Lewistown, MT 59457

Dear Sir:

1. LAND ACQUISITION

a. The federal government should not be in the business of land acquisition. Due to the loss of private lands in Petroleum County, it would hurt the tax base.

2. ACCESS TO BLM LANDS

a. I personally feel there is enough access to federal lands in northern Petroleum County.

3. OFF ROAD VEHICLE USE

a. I support the limitations of off road vehicle use and believe that access should be limited to existing roads. I feel that seasonal road closures are beneficial.

4. RIPARIAN AREAS

a. The permittee should designate what he wants for riparian areas, and the BLM should stand all costs.

5. ELK AND BIG HORN SHEEP HABITAT

a. The elk herds should not be allowed to increase to the point where it would be detrimental to the existing range conditions.

b. I feel that the herds in north Petroleum County is already too large for the existing range.

6. PRAIRIE DOG AND BLACK FOOTED FERRET MANAGEMENT

a. No black footed "arrett should be introduced in Montana until it is proven successfully in Wyoming.

b. The BLM should initiate a prairie dog control program that is effective. If prairie dogs are left unchecked the degradation of private and federal lands in the Chain Buttes area are going to be severe.

The economic studies listed in your EIS report appear to be more in favor of the federal government than the county level.

Sincerely,

Richard A. Marshall
Box 45
Stanford, MT 59479

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COMMENT SUBMITTED BY MONTANA AUDUBON COUNCIL WITH REGARD TO THE JUDITH VALLEY PHILLIPS RESOURCE MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT (JVP EMP/EIS). (Final comment -- Dec. 6, 1991.)

Please consider the following comment from the Montana Audubon Council regarding the Bureau of Land Management's (BLM) draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement (draft RMP/EIS). The Montana Audubon Council is the coordinating entity for the nine National Audubon Society chapters located within Montana. We consider ourselves to be a broad-based conservation organization with about 4,000 members in the state. We are a "grass-roots" organization and you may very well receive comments from other units of the Society as well as individual members.

This is comment in addition to that presented at the Billings, MT, July 30, 1991, public meeting; copy of that statement was submitted at the time of that meeting.

Many members of our diverse organization are interested in the "proper" "multiple-use" management of the resources of the JVP. Not only do our members participate in the consumptive uses of resources (are recreation, our many members benefit from the conservation measures. Putting it another way, all of the concerns developed in the scoping process are important, and we object if there is effort made to corrupt the term "multiple use" to "our" multiple use.

We think the agency tries to do too much in this document. There is a natural division, the Missouri River, between the Judith Resource Area and the Phillips and Valley Resource Areas. We had excellent cooperation from those members of Audubon who are knowledgable, plus the patience of BLM people when we were asking information, but the vast plan to be studied and commented upon was almost too vast.

In the main, we support the BLM preferred "Alternative E," with certain exceptions. We will discuss each of the nine planning issues in order:

Land Acquisition and Disposal. We agree with the reasoning given by the agency (Page III-Table E.1 - Summary of Alternatives) for its proposed "Land Acquisition and Disposal Policy." We would recommend an acquisition policy that has as one of its goals the protection of threatened and endangered species habitat and significant natural communities not protected by current land note an example under our comment for Areas of Critical Environmental Concern. We would stress the importance of retaining, or acquiring, as the case may be, even relatively small areas of private land ownership if these areas are shown to be critical for (wildlife) species of concern (that is, not necessarily limited to threatened or endangered species) or critical for riparian or wetland habitat. That is to say, we believe the "preservation of biological diversity" should be on your priority list. We realize that agency administration of small and/or isolated land parcels can be a source of frustration for the agency as well as for adjacent private property owners. To sum up, trade out isolated parcels if it is not valuable for reasons, and use the process and proceeds to block up BLM lands. We agree that any land acquired should be from willing sellers only.

page one

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
CHARLES M. RUSSELL NATIONAL WILDLIFE REFUGE
P.O. BOX 110
LEWISTOWN, MONTANA 59457

December 6, 1991

S-7

B. Gene Miller
Assistant District Manager
Bureau of Land Management
Lewistown District Office
PO& 1160
Lewistown, MT 59457-1160

Dear Gene,

Thank you for the opportunity to comment on the draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement (RMP/EIS). The document reflects a significant effort and thorough exploration of the issues.

The Charles M. Russell National Wildlife Refuge fully supports the preferred action selected by the BLM. The proposed prairie dog management alternative contributes significantly to the black-footed ferret reintroduction effort while still maintaining other resource values. It is refreshing to see management protect the scenic and visual resources in the Judith and South Moccasin Mountains while still permitting mineral extraction. The scenic and visual resources in central Montana contribute to the high standard of living we enjoy.

There are numerous instances where the CMR can cooperate with the BLM to achieve mutual goals. The Refuge looks forward to working with the BLM. If I can be of assistance, please call.

John Forster
Refuge Manager

MCH/mch

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page two

Because of their importance to waterfowl, we urge the agency to obtain those portions of Ibsham (Phillips RA), Head Lake (Phillips RA), Woody Island Coulee (Phillips RA), and Joiner Coulee (Phillips RA) that may be in private ownership. These objectives are well in line with the agency's commitment to the North American Waterfowl Plan, the four goals spelled out in its riparian-wetland initiative Program (BLM Riparian-Wetland Initiative for the 1990's, USDI/Bureau of Land Management, Washington, DC, September 1991) and other activities. Other areas deserving attention that should be acquired are Buckley Lake (Phillips RA) and the remaining part of Whitewater Lake (Phillips RA) not in public ownership.

Access to BLM Land. We support the effort and urge it be expedited. As the years go by private paid cannot do anything else but accelerate. Purchase should be from willing sellers only.

There is, at times, need to restrict access, as noted in your recommendations under the various alternatives for "Off-Road Vehicles." If sensitive species are not or cannot be protected on the public land by the resource agencies, where can they be protected? The ferruginous hawk (*Buteo regalis*), piping plover (*Charadrius melodus*), and mountain plover (*C. montanus*) are three species of concern wherein it might be necessary to restrict access during the breeding season. The ferruginous hawk, nesting on the ground, is vulnerable to human disturbance and populations are declining. The U.S. Fish and Wildlife service has received a request to list the species as threatened. We would like to restrict access to at least three-fourths mile from active nests; if you have studies recommending other distances or restrictions, use them. The other two are also ground nesters, and cannot withstand too much trespass (but see comment under "Off-road vehicles"). The BIS can state these specific cases, and language stating, for example, "including but not limited to" would allow for additions as needs arise.

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Off-road Vehicles. We wish to reiterate our position as stated at the billings public meeting; that is, we favor "Alternative E," if the will add Whitcomb Coulee (T18N R33E), as opposed to "Alternative G," restricted to limited OrHV use seasonally. No one explained why the area was dropped in "Alternative E," except perhaps as a "bargaining chip." We support (page 56) the proposed intensive OHV use area. From our observation this will encompass the area where it can be kept within due bounds and offer a social outlet, too.

The danger to mountain plover comes from vehicles, ORV or otherwise, running over their nests in the short-grass or alkali and to piping plover (probably the most vulnerable of the three species) because of its habit of nesting on the beaches. We can be restricted during nesting season, and we would recommend this be stated in the EIS.

Oil and Gas Leasing. We reiterate what we said in our preliminary statement (dated July 30, 1991) in support of the provision under "Alternative D" calling for "No Surface Occupancy" (NSO) on oil and gas activities within ¼ mile around Wilderness Study Areas (USAs) and Fish and Wildlife Service (FWS) refuges. We find no good reason for dropping this in "Alternative E." We would like to

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have the language expanded, or modified with what you are now using for "Alternative E," be so worded "to include protection for sensitive, rare and endangered species in general (emphasis ours) where oil and gas activities may cause a risk to such species and habitats.

D-7 We have reason to believe there is considerable mortality to water birds misteking oil-well sump ponds for water; the Fish and Wildlife Service expects to enforce provisions to cover these; cooperation of the BLM should be a given. Can this be mentioned in the final EIS?

Hardrock Mining. Our concern with hardrock mining has to do with the cultural and other resources, once proposed for protection by designating these as "ACECs" or other means. It is a strange thing in this country that we can destroy irreplaceable heritages in the name of "progress" and the "dollar." Gold has increased in price from what it was, although it is down from the high price of a few years ago--it is now hovering under $360.00 per ounce. Asarco Cave is unique; the presence of gypsum, with its interwoven two mines profitable is "the ore (is) highly resendable to the cyanide leaching process * * * (page 320, Appendix D)".

Newspapers carry frequent reports of leaks of cyanide. A recent headline (Billings Gazette, Billings, MT, Friday, November 9, 1991) states: "Mining cleanup costs $912 billion" and subtitled: "20,000 abandoned mines cover 153,800 acres in Montana, report says."

A recent report upon the impact of cyanide on wildlife in the Pacific Southwest (Clark, Donald R. Jr., and Roger L. Hothem. 1991. Using Cyanide Extraction. California Fish and Game, Sacramento, 77(2):61-69.) states: "Thousands of waterfowl were killed in gold mines using the cyanide leaching process, but relatively known inessuch as some are on private land and mines open and close all the time. "Bird deaths are on the greater side in gravel mines, small deaths, and mammal deaths are an order of mamitude greater than reptile or amphibian deaths * * *." The mammal mortality reported is 'bat.'" One hundred seventy four "bats" killed over this length of time was very small, but probably a good reason, according to the study, that "reported mortalities may represent only a minor proportion of the total." Reporting requirements vary by States and by whether the mine is on BLM or private land; thus many mines are not required to report * * * Second, the counts and species identifications are done by personnel who have reasons to be biased in favor of under-reporting total deaths and not reporting deaths of known "endangered, threatened, rare, or protected avian species, or mammal species of special concern) * * * ." Further, "A federal investigator stated that total cyanide mortalities could be 5-10 times greater than occur away from mine sites; to date, searches for and counts of dead animals have been limited to the mine sites."

Mining companies tout their proposals as "multiple use," but the cement they begin = fence goes up and there is an armed guard at the gate.

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page four

We agree with the agency's recommendation that Asure Cave, identified as one or two known caves in the entire Northwest that contains hibernating bats, should be protected from mining and other disturbances (Campbell, N. P. 1987. Caves of Montana.) While other localities, such as abandoned mines, have been found to harbor bats, the discovered since, these localities are few and scattered, and we know very little (consequently) as to how best to protect them.

Collar Gulch merits protection for its population of genetically pure westslope cutthroat trout (see further discussion under the appropriate "ACEC" headings).

Riparian and Wetland Management of Watersheds. Note our comment made under Land Acquisition and Disposal. We appreciate the the agency's new emphasis on riparian-wetland areas, both streams and wetlands. We agree with objectives outlined for "Alternative E" (page v) as being practical to accomplish. We have no objection at all with the statement under "Alternative E" (page 85): "After management objectives are met, BLM would allocate any forage increases within riparian-wetland areas to watershed, wildlife and livestock (emphasis ours) uses."

We particularly encourage you to vigorously pursue the implementation for wetland management as outlined for "Alternative E" (page 85). We are quite interested about the difficulties currently plaguing nesting success of prairie pothole region waterfowl, particularly in mallards and pintails. The steps outlined should help. Beyond that, many other species of birds depending upon wetlands should benefit.

We urge and will support your efforts to have the many allotments (of whatever management category - J, I or C) meet the agency's riparian objectives. Only the Valley RA appears to have any significant proportion of its allotments meeting objectives.

Elk and Bighorn Sheep Habitat Management. Hunting in Montana is important economically, and the purposes of our organization coincide with having healthy populations of game animals and hunting opportunities to hunt. At the same time, we recognize the needs and concerns of the ranchers in our state. There is concern from some segments of the ranching community regarding elk populations (the most recent being an article in the Great Falls Tribune, Tuesday, Nov. 5, 1991).

It is not our biggest desire to have "lure crops" (page 86) planted to try and draw elk from privete crop land where depredations are occurring. Rather, we would recommend working with the Montana G-13 Department of Fish, Wildlife & Parks (FWP) to increase the hunting quotas. We realize full well this might be easier said than done. In any event, try other measures first. Work on a case-by-case basis. We agree with the proposed policy (page 86) to not allow domestic sheep grazing to overlap with bighorn sheep (*Ovis canadensis*). It is obvious, if the objectives of the "draft EIS" can be met, we should all benefit.

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page five

Prairie Dog and Black-footed Ferret Management Plan. We reiterate what we said in our preliminary comment, submitted previously (on July 30, 1991). We remain impressed to learn that a Coordinated Resource Management Plan (CRMP) committee proposed the recommendation (page 92) for "Alternative E." It is plain the committee followed the criteria outlined in the "Analysis of Black-footed Ferret Reintroduction Efforts in Montana (Clark, Tim W., et al. 1987. The Prairie Naturalist 19(1):43-56)." Reintroduction will not succeed if local people do not cooperate, and we are glad to learn all the agencies involved have done a tremendous job to inform as many as possible and enlist support.

We support the control of prairie dogs (black-tailed prairie dog, *Cynomys ludovicianus*) as outlined for "Alternative E (pages 87-88)." Control is the crux of the issue for local support for the reintroduction of the ferret. Sport shooting of prairie dogs has become quite a problem locally (Bozeman). Although the agency's object provided all concerned stay within due bounds. We urge the BLM stress, when asking landowners to make agents available to the shooting public, also warn against taking other species (it is too easy--especially if trigger happy--to take a shot at a hawk or eagle or what not. (Incidentially, Map 2, Prairie Dogs and Black-footed Ferrets, was not in either of the two copies of the draft EIS available to us).

Areas of Critical Environmental Concern. We were disappointed the agency made only 8 nominations out of 31 submitted (Appendix F, pages 345-356). We think you interpreted your relevance and importance criteria (Appendix F, page 345) inconsistently, as we will explain further below. We do appreciate those you did nominate, and, especially in the instance of the Asure Cave (Please be referred to our comments under the heading "Hardrock Mining") believe this is the only real way the cave will be protected. As we note, the cave is utilized by bats, under the winter, including several species of *Myotis* and Townsend's big-eared bat (*Plecotus townsendii*). Also, the letter elsewhere in this section, and a possible candidate for threatened or endangered status. And, as we further note, it is one of only 2 caves in Montana known to harbor sizeable bat populations (Chester, J. N., et al. 1979. Resource Inventory and Evaluation of Asure's Montana. Unpublished Report, National Speleological Society. 65 pages). Although the cave is located under State ownership, we are aware of other localities where bats roost or hibernate. Surveys are needed to determine their status. We need further information as to "implementation" of the management proposed for the cave; what is prevented (page 90) is rather brief.

N-1 Audubon also nominated the Lower Judith River for an ACEC. We should have nominated it for a "Wild and Scenic River," using the criteria in Sections 1(b) and 2(b) of the Wild and Scenic Rivers Act (WSRA), as interpreted by Joint USDI/USDA "Guidelines." However, we have to agree that the high proportion of private land (76 percent) and $3.4 percent, depending upon how this is calculated; page 365), makes the idea impractical at this time.. We suggest the agency keep the possibility in mind. Sometime down the road an organization such as The Nature Conservancy might feel impelled to pursue just such an idea.

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page six

We support the remaining ACEC nominations you did make, for the reasons stated in the draft EIS, and would like to further specific comment on on the proposed Square Butte GMA ACEC, South-Moccasin-Judith Mountains Scenic Area ACEC, and Upper Sand of Deer River ACEC. We would like to stress one point. In the designation and management of the ACEC's, we place emphasis be placed on the preservation of the natural systems, rather than emphasizing the recreation potential. Particularly with Asure Cave and Square Butte, formal access could very well contribute to undue degredation of the asset you are trying to protect (see comments to BLM Preferred).

Designating the proposed prairie dog complexes slated to receive ferrets in the reintroduction effort seems to us to be reellsite. Note our support under comment concerning Hardrock Mining with regard to Collar Gulch.

"Implementation" of the management plan (pages 89-90) appears to be well thought out and practical to take precautions necessary to retain "viable populations" of animals that have disjunct populations in order to maintain gene diversity. The fragmented distribution of the westslope cutthroat trout is a good example; it is plain you recognize the problem.

As to applying criteria inconsistently, referred to above, we think this shows up in the options presented for the proposed Arid Heights Pine Forest ACEC. The reasoning presented under "Alternative D" for designating the four forest areas (Bar Basin, Bridger Coulee, Upper Creek, and Ford's Creek) appears sound wherein you say (page 76): "The four tracts would be designated as ACEC's to preserve elements of the entire unit in case of a catastrophic event such as fire." And we support research as proposed under "Alternative E": "to determine the effects of grazing, fire, etc. on this type of plant community * * * ." Yet, ESA/T, or not, we do not mentioned under "Alternative D." We suggest setting aside the four tracts, as outlined for "Alternative D," and manage as called for in "Alternative E."

I-4 We observe The BLM area at War Horse partially adjoins a T&/S satellite National Wildlife Refuge (excluding a small, undeholding (Map C, page 93). We note with approval your listing of 1,240 acres here (T&E) as meeting the acquisition criteria, and suggest you give it priority.

We believe the relevance and importance criteria bies against setting aside a representative sampling of (emphasis ours) natural communities. An example is Rock Creek (Snowy Mountains). According to the draft EIS (page 349), it meets none of the criteria. Stated reasons point out that Half-Moon Canyon, on the Lewis and Clark National Forest, has similar botanical communities. Good. But, again, what's wrong with having a sufficient number of representative samples of different natural communities. And, yet, "The nominated area, although not recommended as an ACEC, will not be logged, the land will remain in federal ownership, and it will not be used for livestock grazing * * * (page 349)" That protection may last only as long as the present staff reseins and is familier with the qualities of the area.

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page three

have the language expanded, or modified with what you are now using for "Alternative B," be so worded to include protection for sensitive, rare and endangered species in general (emphasis ours) where oil and gas activities may cause a risk to such species and habitats.

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Newspapers carry frequent reports of leaks of cyanide. A recent headline (Billings Gazette, Sunday, PT, Herald, November 8, 1991) stated: "Mining cleanup cost: $912 billion" and subtitled: "20,000 abandoned mines cover 103,000 acres in Montana, report says."

A recent report upon the impact of cyanide on wildlife in the Pacific Southwest (Clark, Donald R. Jr., and Roger L. Rothes, 1991. Dental Mortality at Aviance, California, and Nevada Gold Mines Using Cyanide Extraction. California Fish and Game, Sacramento, 77(2):61-69.) states: "[Cyanide] mortalities were recorded at two mine sites * * * over the 10-year period of the study. The number of mines using the cyanide leaching process is not precisely known inasmuch as some are on private land and mines open and close all the time. "Bird deaths due on an order of magnitude greater than reported, or as many as 6 * * *. The largest kill ever reported is 'bats.'" One hundred seventy four "bats" killed over the length of time my wife and I were in the area is a good reason, according to the study, that "reported mortalities may represent only a minor portion of the total. * * * Reporting requirements vary by State and by whether the mine is on BLM or private land; thus many mines have not been obliged to report * * * Second, the counts are subject to identification errors made by personnel who have reason to be biased in favor of under-reporting total deaths and not reporting deaths of [among others] [endangered, threatened, rare, or protected mammal species, or mammal species of special concern.] * * * Further, "A federal investigator stated that total cyanide mortalities could be 8-10 times greater than reported * * *," if for no other reason that many wildlife deaths occur away from mine sites; to date, searches for and counts of dead animals have been limited to mine property.

Mining companies tout their proposals as "multiple use," but the sunset they begin a fence goes up and there is an armed guard at the gate.

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page four

We agree with the agency's recommendation that Asure Cave, identified as one or two known caves in the entire Northwest that contains hibernating bats, is worthy of protection from theft and other disturbances (Campbell, K. P. 1987, Caves of Montana.) While other localities, such as the Judith River Breaks, are also bat-covered mines, these localities are few and scattered, and we know very little consequently about how to take protection.

Collar Gulch merits protection for its population of genetically pure westslope cutthroat trout (see further discussion under the appropriate "ACEC" headings).

Riparian and Wetland Management of Watersheds. Note our comment made under Land Acquisition and Disposal. We appreciate the the agency's new emphasis on the management of riparian and wetlands. We agree with objectives outlined for "Alternative B" (page v) as being practical to accomplish. We have no objection at all with the statement under "Alternative E" (page 83). "After management objectives are met, BLM will allowsa 10% to 25% forcreases within riparian-wetland areas to watershed, wildlife and livestock (emphasis ours)."

We particularlly encourage you to vigorously pursue the implementation for wetland management as outlined for "Alternative B" (page 83). We are quite concerned about the difficulties currently plaguing nesting success of ducks, particularly mallards and early nesters as mallards and pintails. The steps outlined should help. Beyond that, many other species of birds depending upon wetlands should benefit.

We urge and will support your efforts to have the many allottments (of whatever management category - I, ? or ?) meet the agency's riparian objectives. Only the Valley RA appears to have any significant progress. See the allotment meeting discussion.

Elk and Bighorn Sheep Habitat Management. Hunting in Montana is important economically, and the purposes of our organization coincide with having healthy populations of game animals and having opportunities to hunt. At the base time, we recognize the needs and concerns of the ranchers in the area well. There is some concern from some segments of the ranching community regarding elk populations (the most recent being an article in the Great Falls Tribune, Tuesday, Nov. 5, 1991).

G-13 It is not our biggest desire to have "lure crops" (page 86) planted to try and draw elk from private crop land where depredations are occurring. Rather, we would recommend working with the Montana Department of Fish, Wildlife & Parks (FW/P) to increase the hunting quotas. We realize full well this might be easier said than done. In any event, try other measures first. Work on a case-by-case basis. We agree with the proposed policy (page 86) to not allow domestic sheep grazing to overlap with bighorn sheep (*Ovis canadensis*). It is obvious, if the objectives of the "draft EIS" can be met, we should all benefit.

231D

page five

Prairie Dog and Black-footed Ferret Management Plan. We reiterate what we said in our preliminary comment, submitted previously (on July 30, 1991). We remain impressed to learn that a Coordinated Resource Management Plan (CRMP) committee proposed the recommendation (page 92) for "Alternative B." It is plain the committee followed the criteria outlined in the "Analysis of Black-Footed Ferret Translocation Sites in Montana (Clark, Tim W., et al. 1987. The Prairie Naturalist 19(1):43-56)." Reintroduction will not succeed if local people do not support it, and we are glad to learn all the agencies involved have done a tremendous job to inform as many as possible and enlist support.

We support the control of prairie dogs (black-tailed prairie dog, *Cynomys ludovicianus*) as outlined for "Alternative B (pages 87-88)." Control is the other side of the coin for local support for the reintroduction of the ferret. Sport shooting of prairie dogs has become quite a sport, especially in Billings County. We don't object provided all concerned stay within due bounds. We urge the BLM extend, where lacking, information and make available to the shooting publio, also warn against taking other species. It's too easy--especially if things get boring--to take a shot at a hawk or eagle or shot not. (Incidentially, Map 6, Prairie Dogs and Black-footed Ferrets, was not in either of the two copies of the draft EIS available to us!)

Areas of Critical Environmental Concern. We were disappointed the agency nearly only 5 nominations out of 31 submitted (Appendix F, pages 345-356), we think you interpreted the relevance and importance criteria (Appendix F, page 340) inconsistently, as we will explain further below. We do appreciate that you did nominate, and, especially in the instance of the Asure Cave (Please be referred to our comments under "Hardrock Mining, Signing) believe this is the only real way the cave will be protected. As we note, the cave is utilized by bats, another winter hibernation, including several species of *Myotis* and Townsend's big-eared bat (*Plecotus townsendii*). Winter populations are the end limit and a possible candidate for threatened or endangered status. And, as we further note, it is one of the few caves known in Montana that are known to harbor kissable bat populations (Chester, J. M., et al. 1979. Resource Inventory and Evaluation, Asure Cave, Montana. Unpublished Report, National Speleological Society. 65 pages), although, as noted under Hardrock Mining, we now are aware of other localities where bats roost or hibernate. Surveys are needed to determine their status. We have further comments on the "implementation" of the management plan for the cave; what is presented (page 90) is rather brief.

N-1 Audubon also nominated the Lower Judith River for an ACEC. We should have nominated it for a "Wild and Scenic River," using the criteria in Sections 1(b) and 2(b) of the Wild and Scenic Rivers Act (WSRA), as interpreted by the joint USDI/USDA "Guidelines." However, we have to agree that the high proportion of private land (76 percent to 23.8 percent, Government) made this a difficult call (page 340), makes the idea impractical at this time. We suggest the agency keep the possibility in mind. Remarks down the road at organization such as The Nature Conservancy might feel impelled to pursue just such an idea.

231E

page six

We support the remaining ACEC nominations you did make, for the reasons stated in the draft EIS, and will make no further specific comment on the proposed Squaw Butte ORA ACEC, South-Moccasin-Judith Mountain Scenic Area ACEC, and Bend of the Arrow ACEC. We would like to stress one point. In the designation and management of the ACECs, we urge emphasis be placed on the preservation of the natural systems, rather than esphasizing the recreation potential. Particularly with the Bend of the Arrow ACEC, formal access could very well contribute to undue degradation of the asset you are trying to protect. Again, as noted under Hardrock Mining with regard to Collar Gulch.

'Implementation' of the management plan (pages 89-90) appears to be well thought out and practical. We need to be consistent efforts to retain "viable populations" of animals that have disjunct populations in order to maintain genetic diversity. The fragmented distribution of the westslope cutthroat trout is a good example; it is plain you recognize the problem.

As to applying criteria inconsistently, referred to above, we think this shows up in the options presented for the proposed Acid Shale-Pine Forest ACEC. The options presented under "Alternative B" for designating the four areas (War Horse, Briggs Coulee, Chippewa Creek, and Ford's Bridge) appears unfairly skewed to the latter. "The four treats would be designated an ACEC to prevent elimination of the entire unit in case a catastrophic event such as fire." And we support research as, proposed under "Alternative B," "to determine the effects of grazing, fire, etc. on this type of plant community * * *" (pages 88-89), but we have not mentioned under "Alternative D." We support setting aside the four treats, as outlined for "Alternative D," and manage as called for in "Alternative B."

We observe The BLM area at Ox Yoke Horse partially adjoins a FW/S satellite National Wildlife Refuge surrounding a one-quarter section holding (Map 2, page 95). We note with approval your listing of 1,240 acres here (T14N R18E Sec 6) meeting the acquisition criteria, and suggest you give it priority.

I-4 We believe the relevance and importance criteria bise against setting aside a representative example of (emphasis ours) natural communities. An example is Rock Creek (Snowy Mountains). According to the draft EIS (page 349), it meets some of the criteria. Stated reasons point out that Half-Moon Canyon, on the Lewis and Clark National Forest, has similar botanical communities. Good. But, again, won't wrong with having a sufficient number of representative samples of different natural communities. And, yet, "The nominated area, although not recommended as an ACEC, will not be logged, the land will remain in federal ownership, and it will not be used for livestock grazing * * * (page 349)." That protection may last only as long as the present staff remains and is familiar with the qualities of the area.

231F

page seven

The Canadians, the federal government and Provinces of Saskatchewan cooperating, are well along on the creation of a "prairie national park." They are doing so because of the scarcity of unbroken prairie on their side of the border. What they call prairie is much the same as what we call short-grass plains. It is well known what we, in our country, term prairie--the tall grass--has virtually disappeared. Will the same happen to our short-grass? Bitter Creek is just about opposite on our side of the border from the two Canadian units. Perhaps something can be worked out that will not threaten ranchers and their operations, but recognize the possibilities. Many may scoff "preserving" the land here in its present use, but think about it.

Grazing. We don't agree that the present plan ignores grazing needs "Great Falls Tribune, Great Falls, MT, Tuesday, November 5, 1991). As stated in the news story "Grazing in the area had been addressed in two earlier environmental impact statements, and was not considered one of the nine key issues addressed in this document * * * *

What we must point out is the grazing (emphasis ours) is not the only privilege the public enjoys thru the use of these lands. Many make a living from their activities; others use them for recreation. All individuals, whether acting as individuals or as part of organizations--ranching, mining, recreating, whatever--must work together; give and take. As we noted in our comment under Elk and bighorn sheep habitat, if elk prove a problem the "take" can be increased. And, yes, the F&/P should be encouraged to not permit the problem to get out of hand before the necessary decisons must be made. We believe grazing has received balanced treatment.

Thank you for receiving our comment.

James Phillips

JAMES PHILIPS
Public Lands Chair

Attachment" News story, Great Falls Tribune,
Great Falls, MT, Nov. 5, 1991, entitled:
"Ranchers charge new BLM plan ignores
grazing needs."

Attachments are available for review in the Lewistown District Office.

233

BUREAU OF LAND MANAGEMENT
LEWISTOWN DISTRICT OFFICE
AIRPORT ROAD
P.O. BOX 1160
LEWISTOWN, MT 59457

Dear Gene Miller

I am not interested in selling any of my property in the South Moccasin Mountains to the BLM and would like all of my property listed in the Draft Judith Valley Phillips Resource Management Plan and Environmental Impact Statement (RMP/EIS) for acquisition removed from all maps, tables and any other documents. This also should include the map in the Lewistown District office for ACEC areas.

The following is a description of our property listed in the letter received from Chuck Otte numbered 1610.08 1991

Legal Description

T.16N.,R.17E.,

Section 12, E1/2SW1/4;

I would also like any other reference to parcels of my private property not listed on the above legal description removed from BLM documents.

Sincerely,

M Bailey

Box 6869
Great Falls Mont
59406

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

WILLIAM T. HARPER
2745 Gardiner Dr.
Great Falls, MT 59404

(Please Print) Name	Address	Date
		Oct. 7, 1991

A-11 See 79 on Draft plan, under Implementation, strike the word "attempt" and insert words "be required". Should the road BLM would be required to maintain its property could be closed" to the public. To have should include livestock or machinery that may be removed when BLM acquires a property.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

234

2725 - 8 Ave. So. #3
Great Falls, MT 59405
December 3, 1991

E. Gene Miller, Assoc. District Manager
Bureau of Land Management
Lewistown District Office
P. O. Box 1160
Lewistown MT 59457-1160

Dear Sir:

This is in response to the draft EIS for management of BLM land in the Judith, Valley & Phillips Resource Areas.

I am pleased that a number of areas have been designated Areas of Critical Environmental Concern (ACECs): South Moccasin-Judith Mountains Scenic Area, the Arid Shale-Fire Forest, the Square Butte Outstanding Natural Area, Cellar Gulch, Azure Cave, Big Bend of the Milk River, Prairie Dog Complex 1 and Complex2 in the Phillips No.

I feel it is important to close these areas to ORV use in order to protect them and for the same reason they should be withdrawn from hard rock mining and oil and gas leasing.

I-14 I hope that the Bitter Creek Wilderness Study Area will be recommended for wilderness; and that the prairie grasslands from Bitter Creek north to Canada be designated an ACEC. This would then adjoin Canada's Grassland National Park.

I-15 I believe the Little Rockies should be withdrawn from mineral entry, and designated as ACEC to protect the scenic qualities and preserve native American cultural and religious sites.

Sincerely yours,

Carley McCauley

Carley McCauley

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Tom Browning	Moccasin MT 59462	12-5-91

How do you comment on a page like this? Looks like a book that I'd rather think and your dealing with situations that involve the land people lives & would like.

Also, were looking at it from a ranchers point of view & can see that they just keep wanting a little more: State land access, Acquisition and Deed of Riparian and Wetland Management, Wildlife Habitat, and more.

It just seems a little out of line when the systems the BLM used state and Fish Wildlife are working as well as it might. More just how the system like many they are right now and make it easier for people from outside groups to adapt our good system.

Thanks
Tom Browning

Please return to: BUREAU OF LAND MANAGEMENT
Resource Manager
P.O. Box 1160
Lewistown, MT 59457

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P.O. Box 1898
Malta, MT 59538

December 9, 1991

Mr. S. Gene Miller
Associate District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

I am writing to comment on the Draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement (JVP). I was somewhat surprised, however, that I had to go hunt up a copy of the document myself because I was not mailed one. I submitted three letters nominating Areas of Critical Environmental Concern (ACEC), submitted two letters concerning the National Guard Proposal for Valley County when that was included in the early planning stages of the document, and responded to every request from the Bureau of Land Management (BLM) for feedback during all planning stages. Why was my name suddenly removed from the mailing list? Was it your desire to have only ranchers and miners submit comments?

Z-8

I was immediately impressed with the size of the JVP document, but not with the quality of content. I will not spend much time commenting on the many "typos", misspellings and mistakes that are prevalent throughout the document. I would have thought that with spell-checking procedures common to most word-processing computer programs that many of the errors would have been found prior to printing, and that out of respect for the people involved that names of people would not have been misspelled. A few examples include the invention of a new Phillips County Commissioner on page 231, the listing of another Commissioner who is actually retired, an inaccurate citation of a Montana Academy of Science Monograph on page 251, the omission in the Reference Section of a source cited in the text, and the frequent misspelling of names, including the misspelling of my name on less than 20 times on pages 346 through 352. If the care you took in copying the spelling of my name is indicative of the care exercised in review of the ACEC nominations, then it is understandable why there are serious flaws in the results of the ACEC review process. There are, however, more important problems to be discussed.

Z-9

It was quite obvious that this document should have been split into two or three Resource Management Plans. The area encompassed by the JVP is too large and diverse for all issues to be covered in great enough detail for the reader to make a decision as to which alternative should be preferred. The Missouri River offers a logical dividing line for splitting off

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Bureau of Land Management
Judith Resource Area
Airport Road
Lewistown, Montana 59457

December 6, 1991

Donald Taylor
615 1/2 Pine
Lewistown, Montana 59457

re: Judith Valley Phillips
Resource Management Plan
Environmental Impact Statement

Dear Sir:

The primary facet of the aforementioned study that should be taken into consideration is that it is a DRAFT. Having perused the study I noticed a multitude of gross errors. So many that they are to numerous to mention.

As I understand this study was in the works for approximately four years with as many as forty individuals contributing time and labor. The DRAFT offers five alternatives which are unacceptable to those of us who reside in the immediate area. How can you offer a DRAFT without having taken into consideration the ramifications that will effect those dwelling and working in the effected area is beyond my comprehension.

What I propose is that the Bureau of Land Management rework the DRAFT and remove all irregularities, correct maps to show proper boundary lines of BLM and private property and reword you economic studies to reflect the actual impact that a FINAL statement must contain if it is to be a viable plan acceptable to all effected persons.

Sincerely,

Donald Taylor

cc: Director Cy Jamison
Sen. Burns
Sen. Baucus
Rep. Williams
Rep. Marlenee

237A

the Judith Resource Area, but even the Valley and Phillips Resource Areas are enough dissimilar that separate documents should have been written. The wildlife resources and their habitats also vary considerably across the JVP area, and few people are knowledgeable of all wildlife issues in all three Resource Areas.

I question where the waterfowl production estimates on page xvii come from. The short description on page 154 which hints at the technique used does not go into adequate detail, and does not use recent data. Does the "normal annual precipitation" come in a year, after a year, or after a multiple years? Are wetlands in vegetation? Duck production, especially for the early nesting species, is more a result of previous years' precipitation than the current years reinitiation of spring. Pintail and Mundubird's Masters studies are 15-20 years old, and were accomplished before raccoons invaded the Milk River Valley and mild winters allowed them to survive out on the prairie. The impact of raccoon on nesting waterfowl is well documented at Bowdoin National Wildlife Refuge in the Phillips Resource Area. Nest dragging studies for use in Mayfield nest success calculations is the current accepted method for estimating duck production. What is the current Mayfield success for the JVP area? Have you made any Mayfield calculations or done any nest dragging?

S-8

F-17

The discussion on "Sensitive, Threatened and/or Endangered Species Habitat Implementation" on page 16 contains no clear flows which should have been caught prior to printing of this draft document. The Federal list in column one does not include the endangered least tern, the endangered whooping crane, or the candidate species Swainson's hawk. The least tern and Swainson's hawk are mentioned in column two, however, which discusses their presence in the Phillips area. How is there a lack of consistency in discussing these species? Why did you not mention that piping plovers are also found at Bowdoin National Wildlife Refuge in the planning area, and in fact, were first found nesting at Bowdoin in 1967? Two of the plover nesting sites documented for Nelson Reservoir in 1986 were actually on a road northwest of Nelson Reservoir and not on the reservoir itself. This was on BLM land temporarily withdrawn by the Bureau of Reclamation, which could revert back to BLM during the life of this planning document.

S-4

S-9

The document on page 20 states that the Montana Gulch Campground in the Little Rocky Mountains will be closed. Why is this? Is this consistent with the BLM's recreation plan for the next century which anticipates zero demand for recreational facilities on Public Lands? Did the decision to close this campground go through a public review process?

T-2

The comparison of alternatives was quite thorough, but it is my opinion that you chose the wrong alternative as the preferred

237B

one. Alternative D allows for some economic uses of Public Lands, but minimizes the destruction of other resources which is a necessary component of multiple-use land management. The off-road vehicle restrictions in Alternative D do not go far enough in protecting wildlife habitat and preserving the future of sport hunting recreation, but the other Alternatives are even worse. Big game hunting has experienced serious threats from the anti-hunting community in recent years (lion and bear seasons in California, bison season in Montana), and the indiscriminate use of off-road vehicles in hunting situations further threatens the future of hunting in Montana. Many sportsmen realize this, and walk-in hunting areas are becoming much more common and accepted across Montana. The Fall 1991 issue of Outdoor Ethics, a publication of the Izaak Walton League, lists big game as the species of game most involved in illegal or unethical hunting. As long as the indiscriminate off-road driving by big game hunters is allowed on Public Lands, the future of all hunting recreation in Montana is severly threatened. The general public may soon join the anti-hunters in opposing unethical behavior such as hunting from vehicles.

I support Alternative D because of the expansion of bighorn sheep and elk populations into unoccupied habitat, the concern for the riparian and wetland habitats in allotment management plans, the reintroduction of the black-footed ferret, and the protection for the bats in Asaze Cave. I support continuation of the shooting program for prairie dog control, but not poisoning of prairie dogs.

Alternative E has several problem areas which do not adequately assess impacts on wildlife and wildlife habitat. It has less protection for big game security habitat in northern portions of Phillips Resource Area, and most of Valley Resource Area. Wildlife proof fencing for escapment around existing stock ponds for protection of elk and bighorn sheep do not take into account protection for migratory birds. How are these federally protected birds going to be kept away from the solution ponds? The threatened piping plover across the Phillips Resource Area in the vicinity of the Little Rocky Mountains. It nests in gravel habitats and in open locations in Phillips Resource Area, and has been found at two locations in Montana with higher elevations than the Little Rocky Mountains. What precautions are being taken to prevent an incidental take of piping plovers at a hardrock mining site? How is a 30% increase in waterfowl habitat going to be monitored and measured in either Alternative D or E? The term "waterfowl" is not specific enough. Are you going to emphasize habitat for mallards, northern pintails, redheads and canvasbacks which are in trouble continent-wide, or are you going to manage for northern shovelers and gadwall which are not in as much trouble?

The discussions in the Affected Environment section lack much information which would be important in evaluating the impacts of

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E-15

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237C

each alternative. The publication on riparian dominance types (Hanson, Chadde and Pfister) is cited on page 119 sounds interesting, but it is not listed in the References. The discussion on Threatened and Endangered Wildlife Species on page 123-124 again omits much information. There is no mention of the whooping crane sightings in Phillips Resource Area in 1990 which were published in American Birds. How are you going to manage for whooping crane migration habitat as the Wood Buffalo flock continues to increase in number during the " fe of the RMP?

The bald eagle is not the only endangered species which routinely uses BLM land within Phillips County. Sightings of peregrine falcons have increased dramatically in recent years, as published in American Birds, and include an August sighting of a subadult peregrine.

The discussion on least terns left out many sightings of terns, and suggests that terns have been found on only one unit of the Missouri River below Fort Peck Dam. I refer you to the 1989 and 1990 Piping Plover and Least Tern reports of the Northern Piping Plover Recovery Committee which document the additional inlands and term sightings in detail. The piping plover discussion on page 124 is not even close to being factual. The first record of nesting piping plovers in Montana was at Bowdoin National Wildlife Refuge in 1967 and was published in Western Birds. Plovers were first observed on Nelson Reservoir in 1986 and this was published in The Prairie Naturalist and American Birds. These citations need to be included in the discussion. Piping plovers did not nest at Nelson Reservoir in 1991 as suggested in your document.

The discussion on ferruginous hawks does not mention that they frequently nest in trees in the Phillips Resource Area. The discussion on long-billed curlews does not mention the impact of managing grasslands at a level that is good or excellent condition, on nesting curlews. What are you going to do for curlews if they are listed as threatened or endangered? The discussion on mountain plovers suggests that most are found on prairie dog towns in the Phillips Resource Area. This occurs because of a biased sampling effort in favor of prairie dog towns. Others have found mountain plovers off of prairie dog towns in both the Phillips and Valley Resource Areas. A random sampling of prairie dog towns and grasslands without prairie dog towns might lead you to draw different conclusions.

The discussion on white-tailed deer on page 125 makes no mention of the impact of the Conservation Reserve Program (CRP) on whitetail distribution and density, or the impact of episootic hemorrhagic disease in population control. Both are factors equally as important as severity of winters and quality of forage.

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237D

I suspect that your sharp-tailed grouse dancing ground inventory of 569 grounds is not accurate unless a complete inventory was completed in 1991. The nine grounds on Bowdoin National Wildlife Refuge have decreased to two in recent years, and similar changes have probably occurred on BLM land. The term "lek" refers to an assemblage of birds. When the groups leave, the lek is gone. The physical location where the assemblage occurred is a dancing ground.

Other problems are minor. The Hungarian partridge is now properly called the gray partridge. You neglected to list the mourning dove as a migratory game bird of statewide importance. The American wigeon is misspelled several times. No one else has used the "d" since 1984.

Throughout the document you have lumped all duck species under "waterfowl", and then made general statements that are true for only some of the species. There was no discussion on managing emergent cover for redheads and canvasback, similar to Bowdoin recent data on goose productivity than McCarthy (1973). Why have you chosen not to use it?

The discussion on nongame birds on page 127 makes no mention of Neotropical Birds. Why not? Other agencies are budgeting millions of dollars for monitoring and for habitat developments for neotropical birds. Why is BLM not keeping pace with other agencies responsible for managing wildlife habitats?

The "no surface occupancy" stipulations listed on page 298 list Nelson Reservoir as the only known nesting site for the piping plover in the planning area. This is surprising since Bowdoin National Wildlife Refuge? One of the nests found in 1990 at Bowdoin was very near the refuge boundary and could have been impacted by drilling activity on adjacent lands.

My remaining comments deal with the discussion on the comprehensive assessment of ACEC nominations found on pages 345 through 356 (Appendix F). I was surprised at the various inconsistencies in assessing nominations, and the apparent intent to keep ACEC designations at a minimum. The Valley Resource Area, with 1,019,886 acres of land, did not receive any ACEC designations. This hardly seems possible. You probably missed hundreds of ACEC designations in the millions of acres of Public Land in the three Resource Areas.

Assessment inconsistencies were most obvious when comparing the Rock Creek Canyon (Valley RA), Old Scraggy Peak, and South Moccasin-Judith Mountains Scenic Area. The Moccasin-Judith ACEC was accepted because of its scenic value to Lewistown and other nearby communities, even though the BLM is a minority land owner in the area. Rock Creek Canyon and Old Scraggy Peak were dismissed, even though Rock Creek Canyon is mostly BLM land and

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I-21

237E

is the most scenic area of Valley Resource Area north of the Missouri Breaks, and Old Scraggy Peak is a prominent feature above the town of Zortman and is completely owned by BLM. It appears that the Moccasin-Judith area was chosen because of the mere whim of a manager who never even visited the Rock Creek Canyon or looked closely at Old Scraggy Peak.

Old Scraggy Peak was wrongly assessed in a number of ways. It is the most scenic peak in the Little Rocky Mountains, and is of more than local significance to the many people who have climbed the peak over the past few years. Its location on the top of the peak lists hundreds of names from many states and two countries. Of special note was the last time that a BLM employee made the entries in the bottle register? Has a BLM employee ever monitored climbing activities and Scraggy Peak by checking the bottle register? Has a BLM manager ever investigated climbing recreation on Old Scraggy Peak? Has a BLM manager ever climbed Old Scraggy Peak? How will it be reclaimed if the mining company decides to destroy Old Scraggy Peak? Will it be replaced at the same peak elevation and with the same rock face on the south face? What will the impoundment look like? Will the mine is gone and their mountain range is permanently scarred?

Itchpair Slough also did not receive adequate consideration. While similar wetland complexes are common in Phillips Resource Area (several were made available to National Wildlife Refuges), the Itchpair Slough Complex is the only one in Valley Resource Area which offers outstanding waterfowl habitat. It is almost entirely BLM land, and yet is threatened by over grazing and inadequate water supplies in some years. What essential resources in the Relevance Criteria are not present? What essential resources in the Importance Criteria are not present? What data do you have which supports the statement that the complex "does not produce a significant number of waterfowl"? Have bald eagles and peregrine falcons used the area? Are sandhill cranes suspected of nesting there? How many acres in Valley Resource Area are suspected of having nesting sandhill cranes? Did you look for orioles or other than impact that an ACEC designation might have on the grazing permittee?

The Rock Creek Canyon Area of Valley Resource Area also did not receive adequate consideration. It is severely threatened by off-road vehicle use. The main road into the area from the southwest is a two-track trail that is badly eroded. All terrain vehicle tracks criss-cross the area after the big game hunting season. Most of these tracks have the potential to become as eroded as the vehicle track entering the area from the southwest. The dense coniferous plant community is not found in either Eagle Nest Coulee or Frenchman Creek (Frenchman Creek is not even located in Valley Resource Area). When Rock Creek Canyon was characterized as the most scenic area in the Valley Resource Area, why was it compared to Frenchman Creek in Phillips Resource

237F

I-21 Area? Was it the intent of management not to designate any ACECs in the Valley Resource Area so as not to impact grazing permittees?

One important area was not nominated as an ACEC during the planning process, but should have been. The Saddle Butte Proposed Research Natural Area in the Little Rocky Mountains is now nominated as an Area of Critical Environmental Concern and needs to be assessed prior to publication of the final RMP document. The area is of more than local research because of the presence of a rare plant community. An extremely rare savannah community was found on the upper southeast slopes of Saddle Butte. This community has been classified as Pseudotsuga menziesii/Andropogon scoparius and has not been reported previously from any location on the globe. The plant component makeup is very unusual, as the two dominant species normally are separated due to moisture/temperature gradients. Its global rank is GT and state rank is S1, indicating that it could be expanded but no more than five occurrences are likely to be found globally. The Montana Natural Heritage Program currently has two plant community occurrence records from Saddle Butte on file.

I-17 Expansion of mining activities in the area pose a significant threat. What has been the plant community since the area was proposed as a Research Natural Area? How many times have BLM employees monitored the site? What have been the

I-16 impacts of trespass grazing on the community over the years? Has a BLM manager ever visited the rare plant community?

It is quite obvious, after nearly seven pages of comments, that the JVP RMP/EIS contains serious flaws. BLM has a history of making decisions and then searching for facts to support those decisions, rather than collecting and assessing the facts before making a decision. I urge you to reassess the ACEC nominations using the facts rather than relying on the opinions of those afraid to tackle difficult management situations. I also urge you to consider using all or parts of Alternative D as the preferred Alternative.

Thank you for the opportunity to review the JVP Draft Document.

Sincerely,

Dwain M. Prellwitz
Certified Wildlife Biologist

238A

Y-39 Belknap Indian Reservation, and potential effects on federal policy recognizing this as a permanent homeland for the Gros Ventre and Assiniboine people. The priority of this federal policy and law as evidenced in the trust relationship between the Tribes and the federal government are ignored. No consideration is given on how proposed use will impact the Reservation and Congressional purposes in establishing the Reservation as a permanent homeland.

Y-40 Obviously, the Gros Ventre and Assiniboine Tribes have been in this region longer than any other land owner or entity. It is disappointing that the BLM and the State of Montana did not directly consult with the governing body of the Tribes in developing this important plan. It appears to be a violation of federal law that the important policies of Congress in recognizing the Fort Belknap Indian Reservation as a permanent homeland for the Gros Ventre and Assiniboine people are ignored.

Most certainly, if development is allowed which either contaminates the environment, destroys history and culture or adversely affects wildlife, this 'permanent homeland' is degraded. Each year Congress spends millions of dollars through the Department of Interior, Department of Health and Human Services, Department of Labor and Department of Housing and Urban Development to improve this permanent homeland. It is clearly improper for another federal agency, the Bureau of Land Management, to ignore this trust responsibility in the performance of it's duties, and even allow (encourage?) development that undermines the work of these other agencies.

It is hereby requested that these concerns be reviewed and addressed prior to the final publication of any final RMP/EIS in the this region. Please respond to my offices if you need clarification on these comments.

Sincerely,

Donovan Archambault
President, Fort Belknap
Community Council

cc: Superintendent
Bureau of Indian Affairs
Fort Belknap Agency
Harlem, Montana 59526

Area Director
Bureau of Indian Affairs
Billings Area Office
Billings, Montana 59102

Assistant Secretary Ed Brown
Department of Interior
Room No. 4160
1849 C. Street, NW
Washington, D.C. 20240

Secretary Manuel Lujan
Department of Interior
Washington, D.C. 20240

Attachments are available for review in the Lewistown District Office.

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Fort Belknap Community Council

[illegible]
[illegible]
Fort Belknap Agency
Harlem, Montana 59526

Fort Belknap Indian Community
Project Status
Fort Belknap Indian Community
(Elected to administer the affairs of the community and
exercise the powers conferred upon it by the Indian
Reorganization Act of June 18, 1934)
Treaty of the Fort Belknap Indian Reservation

December 6, 1991

B. Gene Miller
Lewistown District Manager
Bureau of Land Management
P.O. Box 1160
Lewistown, Montana 59457-1160

Re: Comments on Phillips Resource Area RMP/EIS.

Dear Sir:

I am writing on behalf of the Fort Belknap Community Council to forward to you the enclosed resolution as the Council's comments on the draft RMP/EIS for the Phillips Resource Area. The Council is very concerned that the draft document is seriously deficient in key areas of concern. As a government with responsibility to over 5200 enrolled members of the Gros Ventre and Assiniboine Tribes, and as one of the largest landowners in this region, the Council is concerned that deficient areas be addressed prior to final adoption of the draft document.

Our areas of concern include the following:

U-2 1. Historic preservation statutes, regulations and related laws are violated by the procedures followed in the development of this RMP/EIS, as well as the proposed language because the BLM has not performed an adequate cultural/traditional study under Bulletin 38 and NHPA.

U-3 2. The National Environmental Policy Act is violated because you did not consider the impacts on traditional/cultural sites of Native Americans.

I-15 3. Alternatives to mining, including, but not limited to mining withdrawal for the Little Rocky Mountains, were not adequately considered in the draft document.

E-14 4. Water impacts due to continued mining are not adequately considered, especially in light of the substantial traditional/historical legal rights of the Tribes.

Y-39 5. The RMP/EIS completely ignores the presence of the Fort

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DRAFT

COMMENT FORM

Judith
Valley
Phillips
Resource Management Plan

(Please Print) Name	Address	Date
Clarence Blunt Shirley Blunt	HC 81 Box 8500 Malta, Mont. 59538	Dec. 9, 1991

I feel that off-road travel should be allowed to remain as it is on BLM land.

C-5 Game must be harvested in this area, and without vehicle access on BLM and state land, the hunters will not come in and take game that they have to pack out by hand.

You are proposing increasing the elk herd on the CKR on the south side of the river. If you increase the herd south of the river, there is no way that they will stay there, as the river is no barrier to elk travel. At this time we have all the elk on the north side that can be tolerated without extensive range and crop damage.

I am not in favor of reintroducing the black-footed ferret in southern Phillips County as per your proposal. In the last ten years the prairie dog population has increased drunstically and there has been no program to control them. You propose to control them to the 1988 level, but you have not done so, nor have you proved that you can control them. They are increasing at a devastating pace and destroying acres of our grazing allotment and spreading to adjoining private land.

The presence of an endangered species in the area will have a negative impact on land values. A Takings Implication Assessment should be prepared and studied

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

239A

before any part of the JTP RMP is implemented.

I am opposed to the acquisition of any more land by the federal government for any use.

240A

Second, the criteria for ACEC's is sufficiently ambiguous to allow for a wide range of individual interpretation by regulators, thus depriving miners of one critical component in the equation of whether existing mines will be allowed to operate or new ones will be able to proceed with their plans--stability in government policy.

X-9
F-16
Third, the economic data in the document is outdated and grossly inaccurate. This renders much of the remainder of the information in the document suspect. Is it based on sound scientific data or is it biased or inaccurate or both? This is particularly of concern in the document's proposal to withdraw 3,500 miles of river for wetlands study when the criteria for wetlands is still a matter of dispute.

Fourth, sound scientific evidence also appears lacking in the document's proposal to establish an ACEC to protect cutthroat trout. This species of fish is neither threatened or endangered in Montana or the Western United States. Similarly, considerable license--lacking careful thought--appears to have been taken to create two ACEC's for reintroduction of the black-footed ferret. This sort of single-minded thought fails to consider any impacts on the area's economic stability or the people who live there.

H-46
M-8
Will the cutthroat trout and the black-footed ferret become the spotted owl of Montana?

Finally, more than 250 persons attended public hearings on the document and the vast majority expressed strong opposition based on these and other issues. A variety of multiple use activities are occurring in the resource area that meet modern legal requirements and public expectations. The environment is not being harmed, but the people who live and work in the area will be if this proposal is adopted.

We urge you to listen to the people, reconsider your proposals and make them a priority in any future drafts of this document.

Thank you for allowing us the opportunity to express our views on this issue.

Sincerely,

Gary A. Langley
Executive Director

GAL:jd

cc: Cy Jamison

240

MONTANA MINING Association

2030 Colonial Drive
Helena, Montana 59601
Phone (406) 443-7257
FAX (406) 443-7399

OFFICERS:
President
ROBERT JAY
Northwest Energy Co.
11600 Nugent Bridge Road
Missoula, MT 59801

Vice President
PAUL GRANDSTAFF
Montana Resources Inc.
600 Shodair Inc.
Butte, MT 59702

Treasurer
TED HOLE
Three Forks, MT 59752

Secretary
TED HOLE
East Mountain Mining Co.
2000 Fairmont Road
Anaconda, MT 59601

Charter Liaison Office
ROBERT HOLLOCK
Western Energy Company
Butte, MT 59701

AMIR President
JAMES LEBRET
AMAX Coal
P.O. Box 277
Ashland, MT 59711

EXECUTIVE DIRECTOR
GARY LANGLEY
2001 Colonial Dr.
Helena, MT 59601

NEWSPAPER AGENCY
JOHN QUIRICONE

December 10, 1991

Mr. B.G. Miller
Associate District Manager
Bureau of Land Management
Lewistown District Office
Lewistown, MT 59457-11160

Dear Mr. Miller:

This will represent the comments of the Montana Mining Association regarding the Judith Valley Phillips Resource Management Plan EIS. The Montana Mining Association is a trade association representing: 1) Every major producer of metals and industrial minerals in Montana; 2) Companies currently searching for minerals in Montana; 3) Individual prospectors and miners, and 4) Suppliers of goods and services to the mining industry.

The 4,000 person's who live in Montana and work in our state's mining industry earn combined salaries of $150 million per year and pay more than $20 million in state and federal income taxes annually. We are proud of what we do and are concerned about the environment in which we live. Two major mines, operating within the constraints of federal, state and local laws, are located within the resource area. These mines employ more than 250 people. They and their employers contribute approximately $40 million to the local economy annually. Moreover, much of the area is highly mineralized and several individuals and companies currently are prospecting there. Thus, the potential exists for other mines in the future that will produce minerals for the world with environmental sensitivity, provide well paying jobs and contribute to the tax base.

It is for these and the following reasons that the Montana Mining Association opposes the Judith Valley Phillips Resource Management Plan EIS.

J-10
First, the idea of creating Areas of Critical Environmental Concern (ACEC's) and viewsheds that would withdraw land from mineral entry simply because mining or prospecting activities can be seen from a populated area could establish a state or even national precedent. This would severely limit the ability of the domestic mining industry to produce needed minerals and contribute to the economy.

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December 10, 1991

Tom J. and Jacqueline F. DeMars
Box 66
Winifred, Montana 59489

United States Department of the Interior
Bureau of Land Management
Judith Resource Area
Airport Road
Lewistown, Montana 59457

Re: RMP / EIS

Gentlemen:

We oppose the BLM Draft of the Judith Valley Phillips RMP/EIS.

This plan affects the operation of our ranch by taking our hay production land and wintering ground, leaving us with summer range only. This action would greatly reduce the value of the remaining acres we own. It would also greatly reduce the number of animals we could run.

In addition if the BLM acquires the lands they have identified in the RMP, we, as Fergus County landowners, would be burdened with an increased share of taxes because of the loss of private property and AUMS.

A-4
You also do not seem to be taking care of the land you now own as far as noxious weeds are concerned. How can you justify acquiring more land in this regard?

We are also concerned that an uncontrolled increase in elk herds will result in degradation of private property and BLM lands. This will also result in reduced AUMs. Further promoting loss of tax revenue and placing a greater burden on remaining land owners. Although there is no plan in the RMP to presently reintroduce ferrets in northern Fergus County, please be advised that we are strongly against the reintroduction of any endangered species, as such reintroduction would affect how our private lands and BLM lands could be used. Again, this could result in the loss of tax revenue in Fergus County, further burdening the remaining land owners.

241A

Page Two
United States Department of the Interior
December 10, 1991

We trust you will consider our concerns and they will be reflected in the final draft.

Sincerely,

Tom J. Demars
Jacqueline F. DeMars

TJD/mbh
CC: Senator Max Baucus
Senator Conrad Burns
Representative Ron Marlenee

243

December 10, 1991

Tom J. and Jacqueline F. DeMars
Box 66
Winifred, Montana 59489

United States Department of the Interior
Bureau of Land Management
Judith Resource Area
Airport Road
Lewistown, Montana 59457

Re: RMP / EIS

Gentlemen:

Pursuant to your letter of October 18, 1991, we are notifying you that we do not choose to participate in a BLM exchange, nor transfer any land we may own to the BLM. This includes, but is not limited, to the land we own in the Judith River area. Please remove all of our lands from your Judith Valley Phillips RMP/EIS of July, 1991.

If there are any questions, please do not hesitate to contact us.

Sincerely,

Tom J. Demars
Jacqueline F. DeMars

TJD/mbh
CC: Senator Max Baucus
Senator Conrad Burns
Representative Ron Marlenee

242

December 9, 1991

William Snapp
Route 3
Lewistown, Montana 59457

United State Department of the Interior
Bureau of Land Management
Judith Resource Area
Airport Road
Lewistown, Montana 59457

Re: RMP / EIS

Gentlemen:

Pursuant to your letter of October 18, 1991, I am notifying you that I do not choose to participate in a BLM exchange, nor transfer any land I may own to the BLM. This includes but is not limited to the land I own in the North Moccasin Mountains described as follows:

Township 16 North, Range 17 East
Section 13, E2, NW4, E2 SW4, NW4 SW4;
Township 16 North, Range 18 East
Section 18, Lots 1, 2, 3, 4, NE4, E2 W2, W2 SE4, NE4 SE4;
Section 19, Lot 1.

If there are any questions, please do not hesitate to contact me.

Sincerely,

William Snapp

WS/mbh
CC: Senator Max Baucus
Senator Conrad Burns
Representative Ron Marlenee

244

December 9, 1991

William D. Snapp
Route 3
Lewistown, Montana 59457

United State Department of the Interior
Bureau of Land Management
Judith Resource Area
Airport Road
Lewistown, Montana 59457

Re: RMP / EIS

Gentlemen:

I oppose the BLM Draft of the Judith Valley Phillips RMP/EIS.

This would affect the operation of my ranch by taking 1200 of 3000 acres in that area, leaving 1800 acres and reducing the value of those remaining 1800 acres. It would also result in the reduction of the number of animals I could run.

In addition, if the BLM acquires this land they have identified in the RMP, I, as a Fergus County landowner, would be burdened with an increased share of taxes because of the loss of private property and AUMs.

A-4 You do not seem to be taking care of the land you now own as far as noxious weeds are concerned. How can you justify acquiring more land in this regard?

I am also concerned that an uncontrolled increase in elk herds will result in degradation of private property and BLM lands. This will also result in reduced AUMs, further promoting loss of tax revenue and placing a greater burden on remaining land owners.

I trust you will consider my concerns and they will be reflected in the final draft.

Sincerely,

William D. Snapp

WS/mbh
CC: Senator Max Baucus
Senator Conrad Burns
Rep. Ron Marlenee

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Monday, Dec. 9

To Whom it May Concern,

I am writing in response to the Department of Interior's Judith Valley Phillips RMP/EIS. Our family has property in Fergus County that has been targeted by this plan for possible acquisition by the Federal Government so it has a direct impact on our ranch. In that there is no adequate B.L.M. property within a reasonable distance of our ranch available for trade, it is unrealistic to assume that we would be anything but uncooperative.

A-9 Quietly hidden in the text of this plan it says that land acquisition is on a "willing seller" basis. This verbency needs to be clearly expressed and not merely implied. The prospect of the Federal Government condemning our property for their acquisition is what scares people the most.

Secondly, sending a 450 page book out to people without adequate public relations preceeding it is inexcusable. Five pounds of maps, charts and graphs, and government double talk is an impossible pill to swallow.

Sincerely,
The Paul Holzer Family
Stanford, MT

(Typed exactly as received for reproduction in the final RMP/EIS.)

247

Miles Boyce
Dec 4, 1991
Winifred MT.
59489

S.L.M.
Judith Resource Area
Lewistown MT.
59457

Dear Sirs:
Please remove the following privately owned land from your proposed management plan.

T.21N. R.21E. S.29 - N½ NW¼

T.21N. R.20E. S.23 - W½ NE¼, N½ SE¼
S.25 - W½ SE¼, N½ SW¼
S.24 - S½
S.23 - E½ NE¼
S.26 - N½

T.21N. R.21E. S.29 N½ NE¼
S.30 Lots 1,2
S.19 E½ NE¼, SW¼ NE¼

T.21N. R.16E. S.11 E½ SW¼, SW¼ SE¼
S.12 E½, SW¼ SW¼ SE¼
S.13 NE¼, NE¼ NW¼, NE¼ SE¼
S.3 W½ SW¼
S.27 W½ NE¼, W½, NW¼ SE¼
S.34 W½ W½
S.35 N½, E½ NW¼, N½ SW¼
SE¼ SW¼, NW¼ SE¼
S½ SE¼

246

12/9/91

Gene Miller
District Manager
Bureau of Land Management
Bx 1160
Lewistown, Mt. 59547

Dear Mr. Miller:

I am a member of the Petroleum County Stockgrowers Association.

I am going to voice my concerns about the Judith Valley Phillips RMP-EIS.

I do not believe the Bureau of Land Management should acquire more private lands. I think that a private individual can do a better job of managing than a government agency. If a private individual does a poor job of managing his land he loses money. If a private individual does a good job of managing his land he should make money. I believe this financial incentive is the only thing that motivates people to manage land properly.

I do not believe the BLM has this financial incentive to manage the lands they administer.

You have a tough job. You have people like me on one side that want the BLM to back off on this land acquisition. On the other side you have the U.S. Congress dictating how you should manage. As an example, you are required to manage prairie dogs so the black-footed ferret can multiply. I don't believe the Endangered Species act of 1973 is about plants and animals. I believe this act is a way for the United States government to acquire private land. I hope I'm being paranoid.

I'll reiterate the reason for this letter. I don't believe the BLM should acquire more private land.

Sincerely:

/s/ Steve Hale
Bx 57
Winnett, Mt. 59087

(Typed exactly as received for reproduction in the final RMP/EIS.)

247A Miles Boyce property

T.21N, R.17E. S.18 SW¼
S.19 NW¼, W½ NE¼
S.5 Lots 3,4,6
S.19 PT W½ SE¼, SW¼
S.30 W½ NW¼, PT E½ NW¼, E½ SW¼, S½ SE¼
S.31 E½ NW¼, N½ NE¼, SW¼ NE¼, E½ SW¼

T.21N. R.16. S.9 - SE¼ NE¼
S.28 - E½ SE¼
S.33 - SE¼ NE¼, SE¼, NE¼ SW¼
S.23 - E½ NE¼, NE¼ SE¼, SE¼ SW¼
S.23 NW¼, W½ E½
S.26 W½ NE¼

T.20N R16E S.3 W½ SE¼, N½ SW¼, SE¼ SW¼
S.10 W½ NE¼, NW¼
S.15 Lots 5,6,7,8,9,10, W½ SE¼, SE¼ SE¼
S.2 - SE¼ NE¼, E½ SE¼, SW¼ SE¼
S.10 - SE¼
S.15 E½ NW¼

T.21N. R17E - S.7 S½ SE¼
S.17 N½, NE¼ SW¼, SE¼
S.18 NE¼ NE¼

T.20N. R17E. S.18 Lot 3
S.6 - Lot 14

247B

Merle Boyce Property

T21N, R16E. S.26 S½ NE¼, NW¼ SE¼
S.26 E½ SE¼, SW¼ SE¼

Cleo Boyce property

T21N, R.21E. S.29 S½ of NW¼
S.30 Lots 3, 4

Dan Boyce property

T21N. R.21E. S.30 E½ SW¼
S.29 S½ NE¼

Gary Boyce property

T21, N. R.21E. S.29 N½ SW¼
S.30 S½ SE¼
S.28 W½ NW¼

Thank you for removing these lands.

Sincerely,

Merle Boyce
Cleo Boyce
Dan Boyce
Gary Boyce

248

ROBERT E. COFFEY
County Manager
Treasurer
Assessor
Phone 429-5551

LOIS POULTON
Justice of the Peace
Phone 429-5311

COUNTY OF PETROLEUM

P. O. Box 226
WINNETT, MONTANA 59087

BRENDAN J. MURPHY, CHAIRMAN
PATRICIA WEINGART, COMMISSIONER
WILLIAM G. SOLF, COMMISSIONER

BONNY L. ALLEN
Clerk and Recorder
Clerk of Court
Phone 429-5311
Fax No.:429-5311
ROBERT BUSENBARK
Sheriff
Appraiser
D.E.S. Coordinator
Coroner
Phone 429-5551

December 9, 1991

David L. Mari
District Manager
Bureau of Land Management
P. O. Box 1160
Lewistown, Montana 59457

Re: Formal Notice from Petroleum County Requesting Participation in Bureau of Land Management Land Use Planning Process for Judith Valley Phillips RMP/EIS and Notification of Intent by Petroleum County to Develop a Local Land Plan

Dear Sir:

Pursuant to Bureau of Land Management (BLM or Bureau) regulations at 43 C.F.R. 1610.3, Petroleum County formally requests that its County Commissioners be granted the opportunity to participate in the development of the Judith Valley Phillips Resource Management Plan for the Judith Valley Phillips Area. BLM regulations specifically provide opportunities for county governments to participate in the development of and to influence the decisions made through BLM planning processes, beyond those participation opportunities granted to the general public:

BLM regulations state:

> (a) In addition to the public involvement,...the following coordination is to be accomplished with other federal agencies, state and local governments, and Indian tribes. The objectives of coordination are for the state directors and district and area managers to keep apprised of non-Bureau of Land Management plans; assure that consideration is given to those plans that are germane in the development of resource management plans for public lands; assist in resolving, to the extent practicable, inconsistencies between federal and non-federal government plans; and provide for meaningful public involvement of other federal agencies, state and local govenment officials, both elected and appointed, and Indian tribes in the development of resource management plans, including early public notice of proposed decisions which may have significant impact on non-federal lands.

248A

> (b) State directors and district and area managers shall provide other federal agencies, state and local governments and Indian tribes opportunity for review, advice and suggestions on issues and topics which may affect or influence other agency of (local) govenment programs.
>
> 43 C.F.R. 1610.3-1 Emphasis Added.

As described above, this regulation, entitled "Coordination of Planning Efforts" gives Petroleum County the additional opportunity to influence BLM land use decisions. This regulation directs the BLM to give local governments early notification of proposed decisions "which may have a significant impact on non-federal lands," and requires that the Bureau take all practical measures to resolve conflicts between federal and local land use plans. Id. Petroleum County has not been

Y-38 involved with the BLM to the extent required by the above regulation and formally request that the Bureau recognize Petroleum County's right of participation as required by BLM regulations.

The above BLM regulations also use the term "coordinate" to describe the relationship between the local governments and the federal agencies. The word "coordinate" means equal, of the same rank, order, degree, or importance; not subordinate." Black's Law Dictionary, 303 (5th ed. 1979). Therefore, in developing its land use plans, the federal agencies must equally consider the needs of the local communities as expressed by the Petroleum County government.

In addition to requesting the right of participation, this letter also notifies the BLM of Petroleum County's intention to develop a local land use plan. The BLM regulations require consistency between federal land use plans and local land use plans.

BLM regulations state:

> (a) Guidance and resource management plans and amendments to management framework plans shall be consistent with officially approved or adopted resource related plans, and policies and programs contained therein, of other federal agencies, state and local govenments and Indian tribes so long as the guidance and resource management plans are also consistent with the purposes, policies, and programs of federal laws and regulations applicable to public lands, including federal and state pollution control laws implemented by applicable federal and state air, water, noise and other pollution standards or implementation plans.
>
> (c) State directors and district and area managers shall, to the extent practicable, keep apprised of state and local governmental and Indian tribal policies, plans and programs, but they shall not be accountable for ensuring consistency if they have not been notified, in writing, by state and local governments or Indian tribes of an apparent inconsistency.

248B

> (e) Prior to the approval of a proposed resource management plan, or amendment to a management framework plan or resource management plan, the state director shall submit to the governor of the state (s) involved, the proposed plan or amendment and shall identify any known inconsistency with state or local plans, policies, or programs.
>
> 43 C.F.R. 1610.3-2 Emphasis Added.

Again, BLM regulations require BLM plans to be consistent with local plans. To ensure that such consistency reviews occur, the local

Y-38 govenment is responsible for notifying the BLM of conflicts between local and federal plans. This letter shall constitute that notification for Petroleum County. Once the BLM is notified of the inconsistencies, the agency must consider alternatives to alleviate these problems. This consideration should appear as part of the environmental impact statement that was developed with the Judith Valley Phillips resource management plan.

The National Environmental Policy Act (NEPA) also requires that federal agencies, including the BLM, evaluate the affects of their actions on communities. For example, one of the goals of NEPA is to, "use all practicable means to . . . preserve important historic, cultural and natural aspects of our national heritage." 42 U.S.C. 4331 (b)(4). Emphasis added. Culture and custom are defined as a "right granted to a locality." Custom is a usage or practice acquired by the people, which by unvarying habit has become compulsory and has acquired the force of law." Bouvier's Law Dictionary 417, 1867. Culture is the customary beliefs, social forms and material traits of a group; "an integrated pattern of human behavior passed to succeeding generations." Webster's New Collegiate Dictionary, 277, 1975. The above definitions do not limit custom and culture to one particular race or group but describe it as a use that is passed to succeeding generations. Under these definitions, certain ranches, timber jobs, mining or other commodity interest that have been passed from generation to generation are included as custom and culture. As stated above, once these terms have been defined, NEPA requires that they be "preserved." The logical place to define custom and culture is the elected local government. Custom and culture will be defined in Petroleum County's plan.

Finally, Petroleum County also understands that the BLM Judith Valley Phillips Plan evaluates whether the black footed ferrets should be re-introduced pursuant to the Endangered Species Act (ESA). Although this letter does NOT describe the County's position on this subject, the Endangered Species Act required that local governments be notified and allowed to comment on all species listings and critical habitat designations. 16 U.S.C. 1533 (b)(5)(a)(ii). The courts have ruled that failure by a federal agency to adequately consider these types of comments will void the final agency decision. Natural Resources Defense Council v. Clark, No. 86-0548 (August 13, 1987). Petroleum County will include a discussion of black footed ferret introduction in its land plan.

248C

Page 4

Such discussion will include a description of the steps that the county is taking to preserve the black footed ferret. The BSA states that if local governments develop local recovery plans to protect an endangered or threatened species, those plans would have to be considered before the federal agency could take additional steps to protect the species. 16 U.S.C. 1533 (d) (1). The plan to be developed by Petroleum County to protect the ferret will be adequate without additional reintroduction by the B.L.M.

In conclusion, the BLM has failed to fulfill its obligations under the above regulations to allow additional participation for Petroleum County in the development of the Judith Valley Phillips Resource Plan. Petroleum County requests that it be allowed its full measure of participation, beyond that offered to the general public. Additionally, Petroleum County is in the process of completing a local land plan and requests that the BLM coordinate its activities with that local land use plan. Please notify Petroleum County of the BLM's intention to honor and obey these statutes within 15 days of the date this letter is received. Petroleum County looks forward to working with the BLM on this plan.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

249A

NIPRAIN and wet lands management is a relatively new policy. We feel that we should have some definite guide lines on this. If the BLM wishes to enter into these projects. The Permittee should be responsible for the costs of these projects. The Permittee should be compensated for any loss of water,by wells or pipelines to water his stock.

While we are not bothered by Elk and Bighorn Sheep at this time, many Stockmen are feeling the effects of Elk especially those north of us. It will not be too long before Elk will be a problem if the policy of the Fish and Game on this matter continues. I do realize that the BLM has given free rein to the Fish and Game in these matters. I still feel that the BLM, should not let them run rough shod over them. I feel the more fines should be leveled for destruction of forage and off road vehicle use.

We have no sympathy for the Prairie Dog,He has been a very distructive animal, I remember when they were all over this country destroying large portions of the grazing lands leaving nothing but their mounds of dirt. Weren show you where there use to be big towns. It took a lot of work to rid this country of them. If they are so important I am sure there are plenty of them to start Dog Towns in all the major city parks throughout the country.

respectfully yours,
P.H. Teigen Pres.
Teigen Land & Livestock Co.
Teigen, Mt. 59084

249

Teigen,Mt. 59084
Dec. 2,1991

Gene Miller,District Manager
Bureau of Land Management
P.O.Box 1160
Lewistown, Mt.59457-1160

Dear Sir:

I will be attempting to put down on paper the thoughts and experiences regarding the Judith,Valley,Phillips RMP/EIS Plan and the effect it would have on our area.

It has been my privilege as Manager of Teigen Land & Livestock Co.,to have the opportunity of serving as Director of the Winnett Coop.State Grazing District for some time,and to remember waiting for my father when they were setting up the District some times those meetings lasted till early morning. The knowledge and experience acquired from these individuals thru the years dealing with a number of B.L.M people has been an inspiration.

I have been asked to comment on the J.V.P. RMP/EIS. I am of the opinion that had the BLM taken into their confidence the Directors of the Grazing Districts they would not have given the impression they did. You would have thought that the caretakers of the land would have had a right,since they are the ones that have the greatest stake in the outcome.

K-1 Regarding ACCESS, We have always granted excess even to our private lands. There is one problem we have, no one controls off road travel by vehicle. I would think that the Fish and Game Department together with the Fish and Wild Life Service could handle this. There are trails all over the allotments made by vehicles. The grass is broken off and in wet weather there are ruts all over the place. Uncontrol-Access we do not need.

The Acid Shale Pine Forest in our allotment has been taken care of by us for almost 100 years and I doubt very much weather any other Group would have not done any better. I don't know how many AUM's comprise these forests but we feel that should the BLM turn over management to the Nature Conservancy, then they should replace the AUM'S lost. We would hope that should the NC. take over responsibility of these Forests that they make a consorted effort to save the trees by spraying the bugs that are killing the trees.

250

1113 Olympic Avenue
Edmonds, Wa. 98020
6 December 1991

Bureau of Land Management
Lewistown District Office
Airport Road
P.O. Box 1160
Lewistown, Montana 59457-1160

Dear Sir:

This reply is in response to the letter of October 18, 1991. After reading the letter I would like to have my property removed from the RMP/EIS. Thanking you

Sincerely,
/s/ Katheryn A. McDowell

Description for property:
The South East quarter of Section thirty-three (33) in Township twenty-one (21) North of Range nineteen (19) East of the Montana Meridian in Montana. 160 acres.

(Typed exactly as received for reproduction in the final RMP/EIS.)

251

12-9-91

B. Steve Waller
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160 Lewistown Mont 59457-1160

Dear Sir,
I am a rancher at yaktown Mont.
I am opposed to your "E.I.S."
The Prairie Dog has no place on our grazing system. The Prairie Dog destroy native grasses & erode the top soil. There is no place on our grasslands or Federal lands for prairie dogs.
We went on a grazing system with B.L.M. in 1966. Which was a pasture grazing system. At that time "1966" B.L.M. told me. that were going to control & poison the prairie dogs. We had an open season. & Shot.
This is just a real example as what you tell us & what you are going to do.
"Land Acquisition."
Every $ I Cattle to Ben land on your E.I.S. I regard all Every $ I Cattle to Land to Lease out of your E.I.S. We have no land for sale & Will will manage our own Lands.
I don't any part of your E.I.S.
"Please make written reply"

Every $ I Cattle to
Grass Range Permittee
Route Box 5093
Dodson Mont 59524

252

P.O.Box 811
Lewistown, MT 59457
Dec. 6,1991

Cy Janison, Director of BLM
Department of Interior
18 and East Street, NW, Room 5660
Washington, D.C. 20240

Dear Sir:

Due to the willful neglect on the part of the BLM in seeking 'A input from the affected and adjacent private land owners concerning (1) elk habitat, (2) condemnation possibly, (3) timber harvest, (4) mineral development and (5) tax consequences, I oppose all aspects of the EIS-DEIS and believe it should be thrown out in its entirety. The public land should be put up for sale.

I also request that the BLM remove all Fee and state lands from this EIS and evaluate the BLM lands only.

The BLM should refrain from writing EIS on any land that they do not own. An EIS is only necessary on their lands.

I request and immediate rewrite of this Document Evaluating currently owned BLM land ONLY.

Thank you.

Yours truly,
Mary A. Criswell

c.c. Conrad Burns, Senator
c.c. Max Baucus, Senator
c.c. Ron Marlenee, State Rep.,
c.c. Pat Williams, Sate Rep.
c.c. William Perry Pendley, Pres.& Chief Legal Officer
Mountain States Legal Foundation
Denver, Colorado
c.c. Peggy Trenk, Western Environmental Trade Assn. 208 N. Mont. Helena, MT.

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December 3, 1991

United States Dept. of the Interior
Bureau of Land Management
Lewistown District Office
Airport Road
Box 1160
Lewistown, Montana 59457-1160

Gentlemen:

This is to notify you that I am not interested in the BLM land exchange, and would like my lands removed from the map. My land description is as follows:

Northeast quarter (NE), Sec. 31, T. 25N, R. 39E.
Northwest quarter (NW), Sec. 32, T. 25N, R. 39E.
NWNE, E½NE, W½SE. Sec. 32, T. 25N, R. 39E.

Sincerely,
Harold V Eide

Harold B. Eide
HCR 271-1571
Glasgow, Montana 59230

254

AL SENT TO: C.Y. JAMISON, DIRECTOR OF BLM
SENT TO: ROBERT ITON, DANIEL MARK
SENATOR CONRAD BURNS, STAFF RON MARLENEE,
WILLIAM PERRY PENDLEY, BONNIE COWLEY FULTON,
SENATOR MAX BAUCUS, PAT WILLIAMS, PEGGY TRENK

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Kelly Koss	HC 84 Box 8185 Faith, MT 59328	12-8-91

1. Land Ajustion + Disposal
I believe the federal government should not be in the land manage-ment business. There is to much waste and it lowers the tax base for state + local government. All state + private land should be ommitted from the Management plan.

2. Access to B&M Land
I think the present access to B&M land is sufficient.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

Page 1
Kelly Koss

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Kelly Koss	Malta, Mt.	12-8-91

3. Off Road Vehicles

C-5 At the very least off road travel should be permitted for game retrieval. If restricted many sportsmen would not be able to use the public land and you would not get a proper wildlife harvest. Also it would be a real problem

C-3 for ranching using ATV's + trail cycles.

4. Oil + Gas

Oil + gas leasing + development should continue for the benifit of the economy. Certain environmental restrictions should apply but within reason.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

Page 2
Kelly Koss

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Kelly Koss	Malta, Mt.	12-8-91

5. Hardrock Mining

Hardrock mining should continue for the same reasons as for Oil + Gas Development.

6. Wetlands + Riparian

These lands should be managed for the benifit of all + not especially the livelihood of people for the benifit of wildlife. Use common sense.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

Page 3
Kelly Koss

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Kelly Koss	Malta, MT	12-8-91

7. Elk + Bighorn Sheep

The elk have increased to point that they are a real detriment to the Farmers + ranchers and should not be increased more without just compensation to the private landowners. I also see the potential for damage from bighorn sheep if they are increased.

8. Prairie Dog + Black Footed Ferrets

A decline there is a loss of forage for livestock from prairie dogs. I am absolutely opposed to reintroduction of the Blackfooted Ferret. They would cause a end page 5

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

Page 4
Kelly Koss

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

Cont. from page 4

(Please Print) Name	Address	Date
Kelly Koss	Malta, MT	12-8-91

decrease in land values.

I think there should be a "Takings assessment" by the governor. If ferrets are reintroduced it should be on an experimental non-essential basis.

Sincerely
a concerned citizen
Kelly Koss

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

Page 5
Kelly Koss

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To: Cy Jamison
Director of BLM
Copies sent to: Robert Lotsen - State Director BLM
David Hart - District Manager BLM
Conrad Burns - Senator
Max Baucus - Senator
Ron Marlenee - State Rep
Pat Williams
William Perry Pendley - Pres. & Chief Legal Officer
Peggy Tkach - Western Environmental Trade Assn
Bonnie Conley Tolton - Western States Public Lands Coalition

Sandra Koss — HC 64 Box 8105, Malta, Mt. 59538 — 12-4-91

Dear Sir:

We have been ranching in the South Phillips County area for 28 years, and Kellys father before him. I am against this EIS and more government control.

We have helped increase the elk, deer, antelope, etc. population by land improvements for years. We have a lot of elk on our land in the Lark Hills because of these improvements. Without us & others this herd would not of increased as well as it did. They water at our developed springs & reservoirs, fat on our best crop, Grasslands and hay meadow. The BLK wants to lure them on there land. How? They are on the best of ours. What will they do to lure them (BLK)? In the bad drought years we had they were in our hay stacks, not on BLM land. We want less government control.

G-8

We have always allowed hunting on our property. We are hundreds of hunters every fall. We have never been closed, other then the first 2 weeks when fire danger is high. The no off road game retrival is wrong. There will be less game retrived if this goes into effect. Most hunters will just leave there game lay or quit hunting out here. A lot of them are ridge hunters (hunters who drive ridges and hunt from their pickup). They will not drag their game 30 feet this roads changed.

C-5

I am also against the reintroduction of the ferret. No one wants them. They will hurt the economy of Phillips County. The loss of taxes, and cattle sales is in the millions. $2,991,000.00 in cattle sales plus 103,000.00 in taxes. They say the plan will increase the income by 1.9 million. What about the millions in costs to reintroduce the ferret and loss of hunters due to no off road game retrival. This plan is going to hurt the economy of our area badly. Farmers & Ranchers pay roughly 50% of the taxes in Phillips County. This need to be a free country.

A-6

Why is 6 times the amount of BLM & private land identified for aquisition as the BLM has to trade or dispose of. Our private & fee lands should not be on the maps. Who got permission for this? No one asked us if they could put our private land on this plan. BLM has enough land already. Some of the roads on the maps are definetly wrong (false information). Some aren't even on there. Why? This is a public document.

A-11

I would like to know if the BLM will us condemnation to aquire lands? I have so many different stories from them.

A-1

Chris Erb was at public meetings on the EIS plan & I was at a Chamber meeting in Malta & heard him say for his opening statement that people are not concerned with losing their land. That was the exact opposite of what was

Z-2

A-9

255A

said at the meetings. We would like straight answers to our questions.

I request an immediate rewrite of this document evaluating currently owned BLM Lands only.

A very concerned citizen
/s/ Sandra Koss

(Typed exactly as received for reproduction in the final RMP/EIS.)

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FINAL SENT IN BY JAMISON, DIRECTOR OF BLM
SENT TO: ① ROBERT LOTSEN ② DAVID HART ③ SENATOR CONRAD BURNS
④ STATE REP RON MARLENEE ⑤ WILLIAM PERRY PENDLEY
⑥ BONNIE CONLEY TOLTON ⑦ [redacted] SENATOR MAX BAUCUS
⑧ PAT WILLIAMS ⑨ PEGGY TKACH

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
MICHELE KOSS	HC64 BOX 8089 MALTA MT 59538	DEC. 8, 1991

The government intended not to be in the land purchasing or business. This lowers the tax base and increases the income for the government & you view the Government propose to pay their employees of theirs in an inland open land owners basis. It is in my opinion that this land aquisition proposal is a first step to turn excellent wildlife and private range land into a government owned private wildlife refuge which will be run by the Fish & Wildlife and the BLM. The BLM owned land is already farm of wild life due to the lack of people land management. Fish & Wildlife dept was never intended to manage land. The wild life financial

Please return to: BUREAU OF LAND MANAGEMENT
Dixie Manager
P.O. Box 1160
Lewistown, MT 59457

page 1 of 2
Michele Koss

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
MICHELE KOSS	HC64 BOX 8089 MALTA MT 59538	DEC. 8, 1991

on the private owned and excellent managed range land. I hardly ever see the wild life staying on BLM land when they can graze on [redacted] alfalfa from private owned lands. The BLM does not appear that they can manage government lands. [redacted] Access to BLM section is over Turkey in order. BLM wants to make Fishermen walk no roads but yet they dont want ranchers to disable old roads to make decent roads yet now they want more roads to access BLM land Confusing isn't it?! No off road travel is a better restriction than you ever pulled a 900lb elk across a meadow and

Please return to: BUREAU OF LAND MANAGEMENT
Dixie Manager
P.O. Box 1160
Lewistown, MT 59457

page 2 of 2
Michele Koss

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
MICHELE KOSS	HCBW BOX 8089 MALTA MT 59538	DEC 8, 1991

up a conflict to your favor. That is a pretty harsh thing to do to someone. Most ranchers really don't have a problem with sectioning your game off [illegible] the BLM already does a marvelous [illegible] all. It does a lot of damage to hay and fences. The livestock in the elk population will only end up in damaged property, fenced area, and agriculture. The BLM has not brought the prairie dog towns down to the [illegible] and they propose to reintroduce [illegible] of the black-footed ferret. How can this be given a rational [illegible] H-20 of the previous existence of the ferret

page 3 of 5
Michele Koss

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
MICHELE KOSS	HCBW Box 8089 MALTA MT 59538	DEC 8, 1991

H-20 in Phillips County. The ferret is a nocturnal animal which has already proven in Wyoming to not be a dominating survival of species. Why waste the tax payers money on an animal that is as weak as the extinct dinosaurs. Also, there is no guarantee of the ferrets not being put on the endangered species list. This list has brought about many unjust and unreasonable lawsuits.

THE MAPS in this book are greatly Z-2 wrong and all the figures are wrong. There are no names of streams on the [illegible] of this land. It looks as if no body lives out on this land. All the figures on this book need

page 4 of 5
Michele Koss

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
MICHELE KOSS	HCBW BOX 8089 MALTA MT 59538	DEC 8, 1991

to be re-figured and the BLM should document their information resources. How are we supposed to believe figures and sources that are just taken from the top of their heads. I am a valley educated and would be embarrassed to turn in such a sloppy uneducated report like this all. I wish that the BLM would not insult our intelligence, our meaning the people of Phillips County, and just the farmers & ranchers. I request an immediate rewrite of this document evaluating currently owned BLM lands.

page 5 of 5
Michele Koss

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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CC SENT TO: CY JAMISON, DIRECTOR OF BLM
SENT TO: ROGER LOTTON, DAVID MAR.
SEN MIKE CRAPO, BURNS, STEVE RAN MARCHAND, WILLIAM PERRY PENDLEY, BONNIE CONLEY TOLTON, SEN MAJOR MAX BAUCUS, PATRICK WILLIAMS, PEGGY TRINK

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
KEVIN A. KOSS	HC 84 Box 8089 Malta, MT. 59538	Dec. 8, 1991

Land Acquisition: The government needs no more land. They don't take care of what they have. The private land is best taken care of and is most suitable for livestock, wildlife, and the public. If the government acquires more land it will be more land that will be neglected.

OFF ROAD VEHICLE TRAVEL: The Private land owners don't need any stipulations on land they lease from the government. We are the ones taking care of that public land anyway. We don't need a desk jockey telling us when and where we can drive when we are taking care of the land for the BLM. If we, the people who take care of that land, are not allowed to drive on the land to maintain it, the land is going to go to HELL.

Kevin Koss

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Kevin A. Koss	HC 84 Box 8089 Malta, Mt. 59538	Dec. 8, 1991

BLACK FOOTED FERRET REINTRODUCTION:
All I can say is, if this plan goes through we had better see some compensation for the damage caused by the prairie dogs and this program.

I request an immediate rewrite of this document evaluating currently owned BLM lands ONLY.

Thank You

Kevin Koss

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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H-19 When the first draft came out in July 1991, they only wanted 25,000 acres for reintroduction and 640,000 acres of deeded land. When the Fish and Wildlife draft came out in September came out, they wanted the whole south half of Phillips County from Milk River to the Missouri River. This is quite a change isn't it in 3 months.

Thank you for your time and hope you can resolve this in favor of the ranchers and Montana, as we can't afford to lose anymore land and still make a living.

Sincerely,

Martin Apparent
Martin Apparent

Evon Apparent
Evon Apparent
PO Bo BOX 8065
MALTA, MONTANA 59538

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Malta, Montana
November 30, 1991

MR. CY JAMIESON, DIRECTOR OF BLM
DEPARTMENT OF INTERIOR
18 and 1/2 STREET, NW, ROOM 5660
WASHINGTON, D. C. 20240
Dear Mr. Jamieson:

We are writing in regard to the black footed ferrets reintroduction in Phillips County, Montana. We don't believe it would serve any purpose other than to drive ranchers off the land. As the prairie dog devastates the land completely where he lives. As they increase (and they have at an alarming rate) they move out and devastate more land. The ferret reintroduction is supposed to help control them, but one ferret will only eat one prairie dog every two weeks. So, we don't believe they will do much toward control.

Also, the ferret is a nocturnal animal and could only be viewed at night. What rancher would want strangers driving through his cattle at night? That is if the rancher is allowed to leave his cattle on the range where ferrets are.

Z-2 The July 1991 draft is full of mistakes and half truths. Highway 191 is not even on the map--this highway goes all the way across the state and to Canada. There are very few roads on this map that should be there--also only about one-half of the ranchers homes are on the map, dreese have been moved so much as 10 miles. Can these be just "mistakes" or is it intentional to make it to a like it is not inhabitated?

We ranchers feel very threatened by this plan and weren't even aware that our deeded acres were in this July 1991 draft for acquisition. We don't believe that this is legal.

H-20 We don't know how this can be called ferret reintroduction when there is no proof that they were ever here. It is all baroney.

We urge you to look this plan and the Fish and Wildlife Draft of September 1991 over very carefully and then scrap the whole thing.

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12-11-91

Attention BLM.

Please Remove all Land owned by Elden W. Foster and Marilyn J Foster from your RMP EIS for the Fergus Co. area.

Furthermore I am opposed to this plan because. I don't think BLM should have the right to purchase access to their property.

Elden W. Foster
Rt 3
Lewistown, Mt 59457

Elden W Foster

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George W Berg

B-2 Box 2175
Lewistown Mont 59457

12-11-91

Please take my land off the list to be squired by blm. Also I don't like to see logging taken away were you can see it from town or from a road. I have logged a lot of places some of them twice. One in Glen Vogl on Pine Hill loged in 1977 loged in 1990 it still looks good from the road and could be loged again in about 12 years.

/s/ George W Berg

(Typed exactly as received for reproduction in the final RMP/EIS.)

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DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Alma M LaBrew	HC 63 Box 5155 Judith, MT. 59524	12-12-91

I am NOT interested in selling or exchanging My land to the government

Sincerely yours,
Alma LaBrew

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
KINGSTON M. TUTHER	HC 63 Box 5185 Judith MT 59524	12-12-91

I do not wish to exchange or sell any of my land to the government. I do have land that I want to keep for recreation purposes & hunting purposes. It has been in the family for over 75 years.

Sincerely
Kingston M. Tuther

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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Upper Missouri Breaks
AUDUBON SOCIETY
P.O. Box 2363, Great Falls, Montana, 59403

December 13,1991

Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
PO Box 1160
Lewistown, Montana

Dear Mr. Miller:

These are the comments of our Audubon chapter in relation to the Areas of Critical Environmental Concern identified in the Draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement.

In general we are delighted to have six areas selected that are judged to be outstanding from some environmental aspect. We have some comments on some of the areas with which we are particularly familiar.

We see no reason why mineral entry or oil/gas exploration should be allowed in any of these areas that have already been identified as " outstanding".

1 Square Butte: We are concerned with the goat population on Square Butte. We view this population as fragile because of the isolation from other herd and therefore from another gene pool. We agree
L-1 that public access would be desirable but we also see dangers in public access---could we limit that access to hikers and horseback travelers or would such restriction be allowed?
L-2 At the present time, the land owner limits access but if access is public, would budget be increased to allow for frequent monitoring of the visitors?

2. Azure Cave: We are concerned that mineral entry or oil and gas exploration would have adverse effects on the bat population. For the same reason, we are concerned "development" at the cave would impact the bat population, and because of the technical difficulty of the cave, development would be very expensive.

3. Big Bend of the Milk River: We are delighted that this area of rich archeological record is to be protected. We are also delighted that the Native People have been involved in the planning. Again oil/gas or mineral

263A Luben
Page 2

entry would be devasting to the values of this area.

This area too needs protection against the environmental damage of ORV travel.

4. Collar Gulch: We surely endorse any protection for the West slope Cutthroat Trout that is possible. We support the plan to acquire mining claims to protect the trout.

5. We support the South Moccasin-Judith Scenic Area. We hope that mineral exploration can be eliminated in this areas considered "scenic"

6. Arid Shale-Pine Forest: We are impressed that this area is considered "exceptional" and we recognize that although we encounter this type of vegetation rarely as we are in the wildlands, it is part of the prairie ecosystem and such examples need maximum protection. We cannot adjust "protection" of this ecosystem representative with mineral entry or oil/gas exploration.

We are impressed with the obvious effort expanded by the BLM staff to identify these ACEC areas.

In addition to those areas we have other concerns within the Geographic area.

1. We want to make sure that the important areas along the Wild and Scenic Missouri which were considered as "wilderness" by BLM continue as WSA and that all of us work toward these "prairie" wilderness designations.

I-14 In addition we believe that we should follow the leadership of Canada in establishing a matching "prairie park" along the northern border of valley county to match the Canadian Park.

Thank you for your efforts.

Sincerely,

Margaret A. Adams

Margaret A. Adams
President

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
DEN PHILIPS	11 LIN LEA GARDINER MT 59030	DEC 4-1991

I FEAR THAT THE 1ST NEW TOWNSHIP SHOULD BE LEFT LIKE IT IS NOW.

THE MAN ELECTED PRESIDENT NEXT YEAR IF TAX PAYERS DOLLARS I HAVE HER WORK AMT. THAT SHOULD BE SPENT

IS MORE LAND ACQUISITION

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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December 10,1991

Bureau of Land Management
Lewistown, Montana

Dear Sir:

With regards and answer to your letter of October 18,1991 concerning our property in the Little Snowies.

If the B.L.M. has a 40+ acre tract with the quantity and quality timber, and with a full time spring on it closed to Billings, we would consider trading it.

We had it resurveyed by L&T Associates, Bozeman, Montana, and divided into three parcels December 5, 1973.

We would consider selling it to the B.L.M. if we could get our money back out of it. Otherwise we will continue owning it and possibly sell it at some future date, as has always been in our plans.

Sincerely,

W.R. & Jeannette Lee

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12/6/91

Director of Bureau of Land Management
Lewistown, Montana

Dear Sir:

I write to protest the Prairie Dog Land Acquisition Proposal.

A-9 When did this country lose the "of the people, by the people and for the people" philosophy? Requiring ranchers to sell there land to the government, no matter what they would is, is wrong. How would you like to be told you HAVE to sell the most precious possession you have? How would you like to be told that half of where you live will become public domain? It is not AMERICAN to force the people to give the government what they want.

Secondly the land acquisition for prairie dogs defies all principles of good land management----something you are to know something about. Have you ever seen land that is run by the prairie dogs? Why don't you suggest or even force, like you are trying to do with us, people who want this to have prairie dogs in their backyards. Maybe they would like to have and great holes and the rest that goes with it. After all it is not the suburban lawns and yards that raise food for our country.

Thirdly, you will be putting hardworking people out of business. Maybe what you want is more people on the government handout list. Why do you propose a plan that can only reduce the revenue for our state and government when we are already unbelievably in debt? Do you have a plan that the prairie dogs are taxed or produce food for a nation.

Can you see how ridiculous this plan is? Let those proposing it take the PERSONAL responsibility themselves rather than involving the government and creating another government agency to govern the prairie dogs, perhaps the Bureau of PRAIRE DOGS.

With common sense and intelligence, oppose this proposal.

Sincerely,

Margaret Arnott

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DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Michael R Brown	RT 2 Box 2034 Lewistown MT 59457	12/10/91

In Regards To The Collon Gulch ACEC

It is common knowledge that most of the streams flowing in a Eastern direction out of the Judith Mts have Fish populations. If the wastage effluent that is a Species of Concern Then these streams must be studied also. The BLM has not shown whether or not other Species of Plant exist in Collon Gulch or other streams in this area, which might effect the purity of the Species. There is also a concept that these fish are not native but were planted in these streams by Waldo Wagness in the Early 1950's. We have enough clean water laws already to protect these streams and fish, without Setting aside areas that the public will possibly be locked out of. We Recommend the BLM does not designate Collon Gulch as an ACEC until A complete inventory study of all streams and Plant species is completed

M-17

M-18

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

Page 1 of 2

(Please Print) Name	Address	Date
Michael R Brown	RT 2 Box 2034 Lewistown MT 59457	12/10/91

In Regard to Mineral mining in the Judith Mts and in Particular the Collon Gulch area. The Time Halt mining Boom in the past three years. Through these Exploration efforts have proven the mineral potential to be very high in this area. This Exploration has Required mapping, Sampling and Assaying of Lots of Core Drill in the Trail Holt mine. This Sampling and Assaying has proven Several hundreds of Tons of High Grade ore Reserves. Surface Sampling + Assaying over an area to include these Sections of Mineral Claims has shown very high potential over the Entire Collon Gulch area. This mineral interpretation has been placed in the Hands of C.R. Kendall and may be viewed by the BLM at any time by Contacting C.R. Kendall Co. This Exploration work has

E-12

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Michael R Brown	RT 2 Box 2034 Lewistown MT 59457	12/10/91

In Regards to The ACEC in Collon Gulch we Feel The BLM has not properly studied The Economic Consequence of this Action There has not been Enough Study in this area to determine the True Mineral Potential which we Feel is very high. We Recommend That the BLM not designate this area an ACEC until Such Time as the USGS and the Bureau of Mines Do a proper and Thorough Survey to Determine the Areas True potential

Michael R Brown

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

Page 2 of 2

(Please Print) Name	Address	Date
Michael R Brown	RT 2 Box 2034 Lewistown MT	12/10/91

been done at a Cost of many Thousands of dollars to the Trail Holt Group Because of the Collon Gulch ACEC proposal The Trail Holt Group Stands to loss not only their Exploration investment, But hundreds of Thousands of Dollars in Lease payments and perhaps millions of dollars in Future Royalty payments. The BLM has an obligation to Consider the Economic Consequences of their proposals before putting them into Effect. They are Enough Claims within Lewis to Protect their Assets without Risking the loss of potential Future Jobs. We Recommend the BLM not Implement the Collon Gulch ACEC or any ACEC at the Expense of the Local Economy, or potential Economic Benefit To the Community

Michael R Brown

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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Dec. 11, 1991

S. Gene Miller, District Manager
Bureau of Land Management, Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Sir,

To allow prairie dogs to occupy large acreages of public land is allowing horrible destruction of our native rangelands. Should some other use cause such destruction, surely it would receive condemnation from both environmentalists and federal land management agencies.

I am against the introduction of the black-footed ferret. By no means does this mean that myself and farmers and ranchers like myself are to be labeled as people who don't like animals of the wild. Too many times farmers and ranchers are labeled as bad guys. Actually we have invested more than any other group to provide forage and cover for wildlife in the everyday operation of our farms and ranches, through good conservation practice such as deferred grazing, building dikes, spreading water, building reservoirs, strip cropping and many other practices.

I am against the introduction of an endangered species to South Phillips County because of the far reaching effect on the area. With an endangered species land values could be lowered, tax base reduced and surely the Farm and Ranch Community could be removed from South Phillips County which in my mind is the objection of the U.S. Fish and Wildlife Service.

If the ferret was introduced as experimental non- essential, it would take very little to change the plan to endangered species. Then without any regard for theeconomic impact on th agriculture community and the towns, schools and people in the surrounding area, we could all be removed, with no thoughts of the years of work and sacrifice to establish a stable business to pay taxes and support the County, State, and Nation.

The B.L.M. is responsible for the B.I.S. for the resource area, however they seem to have used personnel with a single use concept to do the study. Their goal is to promote wildlife and remove livestock grazing from federal range. The B.L.M. needs to maintain a multiple use concept which is what they were for in the first place-to manage forage on federal lands for the grazing of livestock. This is not mentioned in the E.I.S. for the resource area.

The B.L.M with their memorandum of understanding with the U.S. Fish and Wildlife Service seem to have surrendered all decisions regarding use of forage on federal lands without first seeking U.S. Fish and Wildlife Service if they have and plans fpr it.

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To maintain 26,000 acres of prairie dogs to support the introduction of 50 ferrets of which they figure 90% will die, in my mind is so far out of proportion I can't believe and body agrees with it. Prairie dogs at 10 per acre for 26,000 acres would be 260,000 prairie dogs

I believe the people of Phillips County are in a fight for their very existence as a Farm and Ranch Community, and the surrounding towns are also. There is a very deliberate plan to remove livestock from federal lands in either South Phillips County through land purchases, change of name such as, Game Range or Refuge. The most threatning of all is an endangered species being introduced in the area - not found here, but being brought in. In an way should South Phillips County be subject to rules of the Endangered Species Act when a Species is transplanted here. To me it is a deliberate move to remove the agriculture industry from South Phillips County.

The Judith-Valley-Phillips MUP does not adequately discuss the negative impacts of the proposed alternatives for prairie dog-black footed ferret management.

Respectively submitted

William R. Preuch

William R. Preuch
HC 84 Box 8083
Malta, MT 59538

270

COMMENT FORM

DRAFT
Judith
Valley
Phillips
Resource Management Plan

(Please Print) Name	Address	Date
JEAN BLANT	HC 84 BOX 8150 MALTA, MT 59538	12/10/91

ISSUE: LAND ACQUISITION

This issue should not have been advanced in the plan. Your approach to this issue was good and avoided unnecessary opposition with the private landowners. The BLM has the mechanisms to facilitate land trades now so why muddy the waters by including it in the RMP? Do everyone including yourself a favor and drop land acquisition from the MUP RMP.

ISSUE: OFF ROAD VEHICLE USE

I feel there is little or no documentation for of resource damage due to off road vehicles. It could down to conflicts with hunters who like to walk and those that look this as way to handle these conflicts on a case by case basis. IE: Block managment programs. Your CRMP group recommended some

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

270A

COMMENT FORM

DRAFT
Judith
Valley
Phillips
Resource Management Plan

(Please Print) Name	Address	Date

ISSUE: OFF ROAD VEHICLES (ORV):

Instructions set aprart staff members to impose their own values + ideologies and put blank instructions that are unwanted by most people. Leave the policy on off road travel as it is now.

ISSUE: ELK + BIGHORN SHEEP MGT

This issue went much too far into game management, let the Montana Dept. of Fish, Wildlife + Parks manage the elk + bighorn sheep. This is another issue that I feel should have been dropped from the RMP.

ISSUE: HARD ROCK MINING

Don't like the idea of mining for the view scape in the South Moccasin - Judith Mountains Sec. 6 Twn 16 N R 20 E. This would certainly stop any mineral exploration for oil + gas in the area. Mineral withdrawal of federal instructions on public lands.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

(We never mining on all timber, grazing, both of them if properly done are a benefit to our economy and is a compatible use with the environment)

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ISSUE: PRAIRIE DOG BLACK FOOTED FERRET HABT.

The Judith-Valley-Phillips RMP does not adequately discuss the negative impacts of the proposed alternatives for prairie dog-black footed ferret management.

To allow prairie dogs to occupy large acreages of public land is allowing horrible destruction of our native rangelands. Should some other land use cause such destruction, surely it would receive condemnation from both environmentalists and federal land management agencies.

Prairie dogs destroy plant communities, increase soil erosion, and cause siltation of areas downstream. They destroy critical winter forage for species such as antelope, sage grouse and mule deer. They also negatively affect the nesting cover for upland game birds and waterfowl.

In the past twenty years prairie dogs have expanded tremendously in south Phillips County. The high numbers of prairie dog towns on public lands has made it difficult for private landowners to keep them from infesting their private lands. Because the BLM does very little to control this expansion of prairie dogs, they have set this area up for ferret reintroduction.

H-27 The introduction of an endangered species to south Phillips County could have far-reaching effects on the area. The RMP does not adequately address what the introduction of the ferret could do to the economic stability of the county. Releasing an endangered species could have a very negative effect on the land values of the private land included in the ferret reintroduction area. Lowering land values would put many landowners in financial jeopardy and have serious effects on any county or state activities that rely on income from the tax base. An economical assessment should be included with this plan to estimate the effects of the proposed management.

H-3 Another problem with the RFP is that it doesn't address the fact that there has been a loss of forage available to livestock because of the presence of the prairie dog towns. The plan states that there will be no reduction of AUM's, yet there has been a loss of forage. Efforts should be made to replace the forage that has been lost due to unchecked expansion of prairie dogs.

H-6 The BLM should reduce the size of the reintroduction site. Using only the 7 UV criteria is not very realistic. The people of Phillips County should not have to bear the burden of having so many acres of prairie dogs. 56,000 acres of prairie dogs is not needed to provide habitat for ferret reintroduction. The "starfish arms" of the 7 BLM complex should be removed, making a more realistic reintroduction area that doesn't affect so many Landowners.

Private landowners are being held hostage by the RMP. If they choose to get rid of the prairie dogs on their private land, then the BLM is going to let the prairie dogs expand on the federal grazing allotments. These

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December 7, 1981

Bureau of Land Manag ment
Lewistown District Office

Dear Gene Miller,

In response to your letter r garding the tracts of land the BLM would like to acquire--- We choose NOT to participate in any land exchanges at this time. We are requesting that you remove all our land from the same and table dealing with acquisitions and disposal in the final RMP-EIS.

Sincerely,

Charles and Lorraine Schrenke
HCR 67 BOX 6
Zortman, Mont.
59546

270C

federal lands are an integral part of their ranching operations. The BLM should not consider the prairie dogs on private lands to be tied in any way to a ferret reintroduction. The Bureau should not force the private Landowners to be a part of the ferret reintroduction, which is what they are indirectly doing with this RMP.

H-4 This management plan doesn't use strong enough language when it talks about reducing the prairie dog acreage to 1968 levels prior to the release of any black-footed ferrets. The RMP says it prefers that this is the way it will be. It should say that the prairie dogs must be reduced to 1968 levels before ferret reintroduction. Prairie dog control is critical in south Phillips County.

Landowner attitudes toward the prairie dogs and ferrets is hardly mentioned in the RMP. Basically, the landowners dont want ferret reintroduction. Even with a reasonable reintroduction plan, the landowners fear a change of the rules in the middle of the game which could change a basically acceptable plan to an awesome monster that might put everyone out of business. These landowners need some sort of guarantee that their operations will not be in jeopardy.

The BLM should maintain a multiple-use concept when it comes to prairie dogs and black footed ferrets. It is about time the BLM stood up to the U.S. Fish and Wildlife Service and their single-use concepts.

H-28 I am dey, from a 3-076 was given ground for elimination several years ago because at that time I was not land on my private land. My grant was: I am the sole owner of 240 acres and a big mortgage of 40 acres. Then loan should be listed as one that is to be eliminated as that was the plan I signed for a few years back. Check your files & You agreed to eliminate my thin town, Because of your evaluation to get the good Federal $. Elimination of this town will not make or break my operation as a result of reintroduction. It is a small town and I hate to be done away with,

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P.O. Box 381
Malta, Mt 59538-0381
December 10, 1981

Bureau of Land Management
Airport Road
Lewistown, Mt 59457

BLM Personnel:

On Monday evening, December 9, I attended a meeting on the introduction of the ferret in Phillips County and am really concerned. Currently, we are watching the collapse of Russia because of heavy government control. America is going down that same road at double the speed because of environmental control. Where is America going? Where does it end?

The ferret is the question. We have samples of the results. One is the piping plover. Irrigators from Nelson Reservoir would like to hold Nelson full--with limited effect. This piping plover controls the lake; no ifs, ands or buts about it.

The coyote is another example, a hard predator on wildfowl and livestock. It was largely a government program that eliminated them years ago through poison and the introduction of mange. However, they are back.

The prairie dog was virtually eliminated from Phillips County around 1930 with the assistance of government poison. As a boy in the Rowdain area in the '40s, I remember the old dog towns that were empty. I never saw a prairie dog until around 1960 when the government re-introduced them on CMR, a mistake we now regret. People were concerned when they were brought back, but were told the dog would be contained on the CMR. At that time they were very strongly protected. Now the dog is 50 to 60 miles from CMR and a real problem--the cause of the ferret situation as I see it.

I have read parts of the Draft or Judith, Valley, and Phillips R.M.P.E.I.S., and really fear the implications I find. The ferret is only ONE of approximately 75 species being considered and to be dealt with; the tip of the iceberg. Each species has its own buffer zone, ranging from a quarter mile to two miles, where no man or livestock may set foot. I find the penalty, from other sources, to be a $50,000 fine and some years in jail.

D-8 I have land in the ferret zone, roughly ½ by ¾ mile, 1960 acres of farm and H-17 Hayland. Six grouse lek site (lek being Greek to me in this usage as Webster's defines it as Alkmainn currency), in the center of this tract of land eliminates me from trespassing on the land that I own. Imagine the impact that 75 species would have on producing land. Also, the question arises, who reimburses a producer for production lost through endangered species protection?

Although I am unsure of the number of people one farmer feeds, it must be around a hundred. Food comes from the land; it is only stocked on the grocery shelves for the consumer to purchase.

I am very opposed to this plan.

Sincerely,
An Endangered Farmer
Floyd Rambo

273

W. M. VAUGHEY, JR.
PO BOX 68
HAVRE, MONTANA 59501-0068
(406) 265-5431

December 11, 1991

Mr. Gene Miller
District Manager
Lewistown District Office
Bureau of Land Management
Box 1160
Lewistown, MT 59457-1160

RE: Resource Management Plan
RESOURCE AREA: Judith-Valley-Phillips
DISTRICT: Lewistown
QUADRANT: All

Dear Mr. Miller:

By way of introduction I am an independent explorer for oil and gas with offices here in Havre since 1948. I was a Carter Administration appointee to the Lewistown District Advisory Council in the late 1970's and was reappointed for an additional term in the early 1980's.

I am writing in response to the report dated November 4, 1991, turned out by your office on the above subject. The area covered by the report is well-known to me through my exploration activities the past 23 years.

D-2 I am most concerned with the radical decrease from "Current Management" status to "Proposed Action" status of that acreage that your office proposes be covered by future oil and gas leases carrying standard stipulations. Conversely I am most concerned that your office proposes a truly radical increase in those acreages where special stips will be placed on future oil and gas leases. Lastly, I have a hard time seeing the need for no surface occupancy stipulations being placed on the total number of acreage you propose for that classification.

I definitely hope that as a citizen, I will be allowed to be involved in the planning process for the resource area involved to its conclusion. In this connection I will do my very best to participate in public meetings called in this connection.

Sincerely,

W. M. Vaughey, Jr.

cc: Cy Jamison
Jerry Majerus

274A

8) ACEC

I-11 We request a set of rules on ACEC on private lands. We demand that any land not currently being managed by the BLM be removed from the plan.

Additionally

We ask that the black-footed ferret not be introduced until after reauthorization of the endangered species act in 1992.

Sincerely;

Board of Directors, Fergus County Farm Bureau
Alan F. Shamel, President
Hilger, Montana 59451

406-462-5639

274

December 9, 1991

Bureau of Land Management
P.O. Box 1160
Lewistown, Montana 59457-1160

RE: Judith Valley Phillips Resource Management Plan

Sirs:

The Board of Directors, Fergus County Farm Bureau, would like to submit the following comments on the proposed Management Plan. We have divided our comments into eight areas of concern which are as follows:

1) Land Acquisition

We believe there should be No Net Gain in Federal Lands. We also believe no Private Property should be targeted for acquisition without the expressed written consent of the Property Owner.

2) Access

B-1 We believe if there presently exists no access to isolated BLM tracts, then they should be offered to the present leaseholder at fair market value. We support alternative A on access.

3) Off-Road Vehicles

We support alternative A

4) Oil and Gas

We support alternative A

5) Hardrock Mining

We would like to see the BLM enforce the policy already in place: No undue degredation and PROTECT ADJACENT LANDOWNERS PROPERTY AND RIGHTS.

6) Riparian and Wetland

We support alternative A

7) Bighorn Sheep and Elk

We are opposed to any increase in habitat for these species nor increase in their numbers.

275

Patricia A. McNamee
552 Diehl Drive
Helena, MT 59601

December 11, 1991

STATEMENT re. Judith, Valley, Phillips Resource Management Plan.

I am Patricia McNamee of Helena, MT, currently a shareholder & director of Teigen Land & Livestock Co. of Teigen, MT.

I support the comments presented Oct. 2nd by the Stockgrowers, Public Lands Council and the Grazing Districts Association.

With regards to specific concerns of the Teigen ranch:

1. Land acquisition: I am opposed to the proposed land acquisition of 1120 acres of state land plus 547 acres of Teigen deeded land. In the USSR the government thought they could manage the land for the good of the people. Now they are looking to the USA for food. Our government should not be trying to obtain farm & ranch land for nonessential purposes.

2. Additional legal public access: This is unnecessary. Teigen Land & Livestock has allowed hunters access at no charge. Why should it be necessary for the government to acquire land for access at expense to the taxpayer when access is already available free of charge? Taxpayers have more essential things to pay for with their tax dollars.

B-2

3. Acid Shale Pine Forest ACEC: This is also unnecessary. The War Horse Lake proposal involves an area that has been used by the Teigen ranch for decades. The Teigen ranch has been a conservative steward of this land. It is not their policy or intent to overgraze or otherwise abuse this area. Furthermore, just because something is declared "unique" doesn't mean that the government must own it. For example, Yogo sapphires are "unique" to the Utica

1

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area, but that doesn't mean that the government should buy it.

The Teigen ranch has accepted the challenge of providing food for the world's hungry. The Teigen ranch desires to maintain and protect the land. The Teigen ranch allows access to outdoorsmen and women. The Teigen ranch pays taxes on the land it owns. The same can be said for other farmers and ranchers. For the above reasons, your plan is unnecessary and costly.

The U.S. government already owns 728 million acres, an area 12 times larger than Indiana. Please remember that private ownership is the backbone of our economic system.

Thank you for your careful consideration of my statements and the many others you have received.

Patricia A. McNamee

Patricia A. McNamee

277

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Verna I. Coppedge	705 Lakeview	12-10-1991
James L. Coppedge	Denton MT 59430	

I believe the RMP - EIS plan is not complete. The Federal use of land was originally intended for the use of grazing of livestock or forest use. I don't see why that should change. My taxes are based on what my income is, if they decrease the number of cattle I can run on the range that decreases my income thereby the State & government's income. Who is going to make up the difference? I request that you take out of your plan any and all land that is leased, owned, or in our control from your RMP - EIS proposal.

for Verna I Coppedge
James L Coppedge
James L Coppedge

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

276

December 10, 1991

Mr. R. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

Please remove the A.W. Pratt Ranch land from Appendix A - "Land Acquisition and Disposal in the Judith-Valley-Phillips Resource Management Plan environmental Impact Statement."

Thank you for your cooperation in this matter.

Sincerely Yours,

A.W. Pratt
425 6th Street North
Glasgow, MT 59230

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Winnett, MT
December 11, 1991

Gene Miller, District Manager
Bureau of Land Management
Lewistown, MT

Dear Mr. Miller,
I would like to make the following comments on the proposed Judith Valley Phillips RMP/EIS:

Land Acquisition and Disposal - I do not favor any net gain of public lands. I would like to see all isolated BLM tracts without access offered to the lessee.
Access - I am opposed to forcing access across private land.
Prairie Dog and Black-Footed Ferret - The degradation of land by prairie dogs would not be tolerated from any other source. It is wrong to allow land degradation for any management objective.

All things considered, the only option I can support is Alternative A. Alternative E (BLM preferred) would have a negative long term effect on our local economy. Decreased AUM's and restrictions on mineral development will erode the local tax base.

Sincerely,
/s/ Chris King

(Typed exactly as received for reproduction in the final RMP/EIS.)

279

LCM, Ltd.

P.O. Box 50124
Billings, MT 59105-0124
(406) 245-9031

P.O. Box 596
410 17th St., Suite 1910
Denver, CO 80201-0596
(303) 623-3122 FAX (303) 595-8547

P.O. Box 2627
Austin, TX 78768-2627
(512) 480-0888

October 14, 1991

David Mari
District Manager
BLM
P.O. Box 1160
Lewistown, MT 59457-1160

RE: EIS ON CENTRAL MONTANA

Dear David:

I request that you remove all lands (ours included) from this EIS and have the report include BLM lands only.

We do not want any part of our ranch included in this report.

I have written letters to you with explanations why no I feel I do not have to explain them again.

Sincerely,

Doge Brevig McCormick
Partner

enclosures

280

December 10, 1991

BLM District Office
Airport Road
Lewistown, MT 59457

Gentlemen:

We are writing to request that our land, tax recorded owner as

Brevig, Joen K & Brevig, Clark A
Route 2 Box 2233
Lewistown, MT 59457

Brevig, Clark A
Route 2 Box 2233
Lewistown, MT 59457

is removed from the Judith Valley Phillips Resource Management Plan. We want all end any reference to our property removed. That includes any shedings, Township and range listings and written reference. Further, we request that a "Taking-Study" be instituted and that compliance with a current or future County Land Plan is followed. Y-5

Any questions concerning our request may be directed to Clerk Brevig, RR2 Box 2233, Lewistown, MT 59457, 538-5579.

Sincerely,

Clark A Brevig
Gail V Brevig
Clark A Brevig
Gail V Brevig

281

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Hal Machler	R-2 Box 2316 Lewistown MT 59457	12-10-91

Please consider these comments in preparation of the final RMP.

1. I oppose further acquisition of private lands by the BLM because of the detrimental effects to the county tax base and to the economic benefits of multiple uses of the resources.
2. I support the disposal of isolated & inaccessible tracts of public land to the private sector.
3. I oppose any forced access to public lands across private lands. This is an invasion of private property rights guaranteed by the constitution.
4. I oppose the inclusion of private property in any part of the JVP/RMP. The Congressional Act calling for a plan of management of public lands was for just that and not for private lands.

THANK YOU
H.D. Machler

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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Comments — Judith Valley Phillips Resource Management Plan Draft

William J. Machler, Mary B. Machler — Route 2, Box 2316, Lewistown MT 59457 — 12-11-91

BLM District Manager:

Please consider our concerns in the preparation of the final RMP.

1. We oppose further acquisition of private land by the BLM. It's effects on the tax base of the county and the economic benefits of multiple use of our resources would be devastating.
2. We support the disposal of isolated and inaccessible tracts of public land to the private sector.
3. We oppose forced access to public lands across private property as it is an invasion of constitutionally guaranteed rights of private property.
4. We oppose the inclusion of private lands in any part of the JVP/RMP. The Congressional Act calling for a plan was for management of public lands and Not for management of private lands.

William J. Machler
Mary B. Machler

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Bureau of Land Management
Lewistown District Office
Airport Road
P.O. Box 1160
Lewistown, MT. 59457

RE: JVP/RMP EIS.

District Manager Mark:

I am not interested in selling any of my property in the South Moccasin Mountains to the BLM and would like all of my property listed in the Draft Judith Valley Phillips Resource Management Plan and Environmental Impact Statement (RMP/EIS) for acquisition removed from all maps, tables, and any other documents. This should include the maps in the Lewistown District office for ACEC areas.

The following sections include Phillips Bar Diamond Ranch, Inc. land (and/or Robert K. Phillips and/or Wes Phillips property):

T 16 N, R 18 E,
Sections 6,7,8,9,17,17,18

T 16 N, R 17 E,
Sections 1,12

T 12 N, R 20 E,
Sections 10,15,17,20,21

T 17 N, R 18 E,
Sections 3,8,9,10,11,15,19

T 17 N, R 17 E,
Section 13,24,25

I would also like any other reference to parcels of my private property not listed on the above legal description removed from any BLM documents, including, but not limited to, all "land classification maps" and references.

Phillips Bar Diamond Ranch, Inc.
/s/ Wes Phillips, pres. 12-12-91
/s/ Wes Phillips
/s/ Robert K. Phillips

(Typed exactly as received for reproduction in the final RMP/EIS.)

284A

COMMENTS - JUDITH VALLEY PHILLIPS RMP DRAFT EIS

The BLM is charged with managing public land for public benefit, while abiding by all applicable statutes. The document in its present form does not appear to meet the requirements of several statutes. NEPA, for example, requires agencies to consider "a reasonable range of alternatives" and "cumulative effects" and "data and [utilize] ecological information". The Multiple Use and Sustained Yield Act requires management for multiple uses - or recreation and wildlife - which, both wildlife and water, these regards. We specifically note that the EIS is deficient in that ANSP provision of the study area is dominated for ANSP was (for example, ORV, grazing, farming, mineral development, forestry, recreation, wildlife and other uses in a single area).

The document, in general, suffers from a lack of vision; by focusing on the details of current, status quo, the agency has missed considering options for resource management that would greatly benefit the area.

Specifically, the Draft EIS fails to consider a reasonable range of alternatives. This may be due to the failure to consider sufficient information.

S-4 1. THE DRAFT EIS DOES NOT DISCUSS BISON

Bison once roamed the American West in huge numbers. The planning area was part of the historic range of bison, and was associated with the area immediately to the south and west of the planning area. Bison contributed one of the most important and productive biomes habitats in North America. Please note the attached summary entitled "Bison Restoration Proposed in BIG OPEN, MONTANA". This summary, compiled by a member of the Big Open Project, should dispel prevalent misconceptions regarding bison. Not only were bison present in the planning area, many were resident in winter (winter was a prime season for bison activity). Also attached is a copy of "The Big Open: A Return to Prairie at the Fort" which further demonstrates the historic and pre-historic importance of bison in the planning area.

Given the major role bison once played in the ecology of the area, it is essential that the Draft EIS deal with bison. Wild bison reintroduction should be considered in any complete EIS document. It is particularly ironic that the BLM, which has as its symbol an American bison, should write a document that totally ignores the bison.

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Institute of the Rockies
Missoula, Montana

The Big Open Project

102 Geneva
Hamilton, MT 59840
(406) 363-5007

December 9, 1991

S. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown MT 59457-1160

RE: JUDITH-VALLEY-PHILLIPS RMP DRAFT EIS

Dear Mr. Miller:

Please include this letter and attachments into the official record of comment on the above noted Draft EIS.

The Big Open Project was begun in 1986 and since then has worked to increase public awareness of the potential of the Big Open region (which included the Draft Judith Valley Phillips area) for the restoration of native grazing species. Members of the Big Open Project have intensively studied the history, ecology, and resources in the area. We hope our comments will be of assistance to you in preparing the Final EIS.

In general, we found the Draft EIS to be well written and well organized; the maps are clear, for the most part, easy to read. We appreciate the hard work by the staff members who prepared the document. The plans to reintroduce the black-footed ferret (Alternatives 3 & 4) are also commendable. However, single species management is now an outmoded concept and most of our comments address the need for the agency to consider the needs of the total ecosystem. We have made an effort to enumerate other shortcomings in the document which may render it inadequate as a legal EIS.

Thank you for this opportunity to comment.

Sincerely,

Bob Scott
Director
Big Open Project

284B

S-19 2. THE DRAFT EIS DISMISSES THE IMPORTANCE OF MANY ENDANGERED, THREATENED, OR SENSITIVE SPECIES

Historically, the wolf and the grizzly bear were vital and common predators in the planning area. In fact, the plains regions, in general, were more important to these species than were the mountainous regions. The grey wolf is briefly mentioned in the EIS, but reintroduction is given no serious discussion. The grizzly bear is not even mentioned. The bald eagle, the peregrine falcon, the least tern, and the piping plover receive brief mention. Table 2.1 (p. 16) lists the species which the agency considers to be "of special interest" in the area. The species which are shown in the document nor is any special consideration for them in the alternatives. Sensitive animal species which appear to be overlooked entirely are:

- least weasel
- fringed myotis bat
- meadow jumping mouse
- masked shrew
- northern three-toed woodpecker
- vesper sparrow
- loggerhead shrike
- Plainsville daze
- Cooper's hawk
- chest clubs
- endangered invertebrate species (various)

The document does an excellent job of considering one endangered species, the black-footed ferret, and the reintroduction plans are comprehensive and commendable. The document also considers all of the black-footed ferret effort shows the type of work the agency will have in addressing the remaining species.

However, the reintroduction plans for the black-footed ferret are based on single-species management concepts, which are considered outmoded. A holistic approach, which considers the total ecosystem, is the only scientifically valid approach. We recommend this approach to the agency, and note that the "total ecology" cannot be defined on the arbitrary region of the area. Weed species, introduced species (including economic plants and animals), and livestock practices must be considered disturbances to the original ecology.

The planning area constitutes habitat or potential habitat for an enormous number of species, and full study and consideration of this would result in additional alternatives being considered.

284C

3. THE DRAFT EIS FAILS TO CONSIDER TOTAL ECOSYSTEMS

The planning area mainly follows county lines, but ecosystems generally do not. The "cumulative effects" mandate of NEPA calls for inclusion of impacts from all lands. The planning area should be considered and addressed as an area that historically, biologically, meteorologically, sociologically, and economically is an integral unit. The document should address impacts on this integral unit. The agency planning team is no doubt constrained by bureaucratic brevity and somewhat arbitrarily imposed geographically limits, but the cumulative impact of what might occur on the Missouri River and Fort Peck Reservoir must be considered. The Missouri and the Musselshell are not herding cows or elk or grouse or any other mobile species. Furthermore, the viability of important species may depend on habitat or interactions with adjoining regions.

The Draft EIS should therefore consider alternatives which integrate with plans in other jurisdictions.

4. THE DRAFT EIS USES POOR ECONOMIC DATA

The scale of government financial support of local agriculture is not adequately accounted for in the document. Recent experience (the timber industry, manufacturing, etc) demonstrates that economic conditions can radically alter a region's economic profile, and the ability to realistically for the possible circumstances of subsidy can cause severe problems. The economic history of the planning area reveals a constantly changing economic base - fur trade, buffalo hunting, open range, mechanized farming, etc. Planning for change is therefore essential. The probable future will be one with agriculture in decline and one of two scenarios for replacement activity:

1. More private tourism and recreation;
2. More public tourism and recreation.

The future job of the agency may, in fact, be to design accommodations between the two. Failure in any case, reliance on outmoded data for grazing rates and benefits, tourism and travel benefits, and agency "social" values inaccurate conclusions to be drawn.

X-10

ADDITIONAL ALTERNATIVES

We suggest that the agency consider several additional alternatives:

1. An alternative for total ecosystem restoration on a significant portion of the resource management area. This would entail reintroduction of missing species including bison and elk, to mention only two, and replanting or

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encouraging the spread of native vegetation. Introduced exotics such as wheat, sheep and cattle, would be phased out of the target area, unless the effect of the introduced species can be positively shown to be benign.

2. An alternative which creates and funds specific ecological research study areas. This would entail funding for research on species which are little known at this time, and determining their place (originally and at present) in the total ecology of the area.

OTHER COMMENTS

We have specific concerns about the land acquisition and disposal plans described in the Draft EIS. The present pattern of BLM holdings, due to unplanned historical circumstances, represents a largely random assortment of land types and serves no single function or purpose. The concept of reorganizing the land holdings, therefore, is a concept we can support. However, the broad guidelines for acquisition and disposal allow for the possibility of unconnected tracts which serve particular functions (such as riparian areas, winter range, etc.) being equally disperse as the original pattern.

It is advisable to pursue an acquisition and disposal policy which accomplishes a broad integrated goal. Such a policy could include consolidating significant blocks of public ownership in a single identified entity such as the Big Open Wildlife Range (See Alternative 3). Riparian areas, critical wildlife habitat, special and unique areas could still be selected or acquired pursuant to such a concept, in the idea of an integrated block of land that includes all essential parts of an ecosystem. In essence, prime agricultural land would need to be acquired along with riparian areas, different vegetation zones, etc.

As an example of this process, we suggest the agency consider acquiring all the private land in the south portion of the Valley Resource Area bounded on the north by the 7th Standard Parallel and on the east by a line through Bags Has Creek. The amount of additional land necessary to acquire (beyond that already identified in the Draft EIS) would be 53,000 acres. The result of this acquisition would be to establish a contiguous BLM holding of over 750,000 acres. This large block of public land would adjoin the CMR and contain prime habitat for elk (present herd is about 3000 animals), deer, grouse, and numerous other species. Managed as wildlife habitat, this substantial block of land would be ideal for a wild bison reintroduction project.

Another significant oversight in the land acquisition plan is the failure to include any land along the Musselshell River. The Musselshell bottomlands are an essential portion of any reconstituted plains ecosystem. If the agency does not pursue the acquisition of Musselshell bottomlands, it will find itself in the incongruous position of studying wilderness designation on

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one bank of the river (Bridge Coulee WSA and others) while abandoning the other bank to private development.

SUMMARY

In summary, the Draft EIS is detailed document which fails to address the broad perspective of land, wildlife, and ecosystem restoration. The Draft document fails to recognize that once contained one of the most productive wildlife regions in the world (aboriginal biomass density of large animals has been estimated to have been up to five times the present biomass density of domestic stock - small mammal biomass no doubt added considerably to this). Restoration of such a magnificent wildlife resource would well serve the public. In view of the fact that traditional resource values (agriculture) are in decline, and recreation/wildlife sectors are improving, ecological restoration would seem to make excellent economic sense.

We are concerned that the document fails to adequately inform the public of the full consequences of proposed actions and connections. It needs to present a reasonable range of alternatives. We hope the final EIS will include management alternatives which due justice to the tremendous potential of the land.

Attachments are available for review in the Lewistown District Office.

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December 10,1991

Bureau of Land Management
District Manager
P.O. Box 1160
Lewistown, MT 59457

Dear Sirs:

I am responding to your draft Judith/Valley/Phillips Resource Management Plan.

Your draft environmental impact statement is quite extensive and no doubt required many man-hours in labor and cost quite a lot to prepare. Having reviewed it, I feel that your preferred plan is mainly a plan to enhance wildlife, recreation, and preservation and would be an economical setback to the area due to loss of tax base and loss of local rights and income.

Of the plans presented, only Plan A with present uses would be acceptable to myself and our operation. By your drafts, you (BLM) have less than 24% of the land in the study area and still less of the economic base. In my opinion you are a minority and I resent your ability to vastly and adversely affect our livelihood and social and economic values of the area.

Q-7 Nowhere in the plan do I see anything about range restoration, range reseeding, club moss control, additional fencing, or other ways to enhance the production of grass; only the 40% of the grass will be preserved for wildlife and watersheds. Also, your preferred land acquisition projects a reduction in AUM's.

In regard to land acquisition; first I believe that you should dispose of all small and isolated tracts. For any pastures or areas that are comprised of less than 50% federal land, these should also be traded or sold. In areas that are over 50% federal land, you could acquire land by trade or from willing sellers; but in no case should you acquire more acres or property or higher value than that of which you have disposed.

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Also, any withdrawals or restrictions or the present multiple use of federal lands would be offset by the sale of an appropriate acreage of federal land to compensate and protect the tax base and economic impact to the area.

Regarding impacts to livestock raising under your preferred plan; with the purchase of an additional 831,719 acres with your improved management efficiency at an additional cost of $3,159,000. there will be a reduction of 31,166 AUM's for livestock forage. This tells me that private ownership is doing a better, cheaper job and also paying taxes. We have been preaching to the USSR and other countries to get property out of government ownership and into private ownership. I believe in this ideal and the United States should be doing at home what we are advocating in other countries.

In regard to the introduction of the black-footed ferret; I believe that first the prairie dogs and their towns must be brought under control. Prairie dogs are destructive to grasslands, suppressing and destroying desirable grass species, which reduces production and leads to erosion. In my opinion, it is a crime that they have been allowed to proliferate to destroy grasslands and adversely affect the ecosystem. I am sure that you would not allow livestock to cause this sort of destruction. If the ferret is introduced, I feel that there should be compensation for private landowners and grazing permittees for disruption of their operation and for losses that may directly and indirectly occur; such as access, reduction in grazing, and a decrease in land values.

Your study doesn't address the availability of water for your plans. It states that you will negotiate with the Bureau of Reclamation to divert irrigation waters for waterfowl use. If you will check, there have been numerous years that there wasn't enough water for present irrigators so any additional depletion of this source would greatly affect the area's winter feed base and the irrigator's livelihood. Also, the addition of over 5000 more ponds with waterfowl islands would jeopardize water sources for present ponds and reservoirs. I would rather see 5000 water sources which are functional than have 10,000 that get only

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partially full only to dry up early in the season. I am sure there are sites for future developments, but it is doubtful that your plan could be implemented without seriously jeopardizing existing uses. Could it be that ducks and geese have priority over food and people?

There are numerous other problems in your plan that need to be addressed but in essence; you have not taken into consideration nor addressed the needs of the local people or the private sector and the implications that your plan would have on the area. Your preferred plan would bring hardship on the people of the area, stall future economic growth, reduce revenue from property taxes and curtail productivity; thus creating social and economical problems. Also, with your prolific prairie dogs and ambitious waterfowl plan you could be disrupting or destroying our present ecosystem.

Sincerely yours,

Darrell R. Menge

Darrell L. Menge

First Creek Ranch Inc.

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VALLEY COUNTY
SPORTSMEN'S CLUB
P.O. Box 664 - Glasgow, MT 59230

December 12, 1991

Bureau of Land Management
District Manager
P. O. Box 1160
Lewistown, MT 59457

Re: JVP Resource Management Plan
Off-road travel (Valley County)

Dear Mr. Miller:

As a participating member of the CRMP group established by the BLM to create a preferred alternative for off-road travel in Valley County, our club has certainly lost faith in the public input process as conducted by your agency.

There were 36 individuals representing 12 or more groups on the CRMP, all of which felt they could have a positive influence in the process. However, it appears in the final analysis, our participation was not only unnecessary, but a waste of time. The recommendation of this group was totally disregarded in that the final "preferred alternative" is suspiciously like the one created by the BLM prior to reuniting the CRMP group.

C-6

Our club is also more than a little suspicious of the motives of the BLM with regard to this plan. If the intent is, in part, to protect fragile soils on public land, why then is so much fragile soil in Valley County left out of the plan? Why were just a few areas in the County selected? Could it be a plan to create the de-facto wilderness areas without going through the wilderness review process, rather than to prevent soil erosion and to provide for quality hunting?

C-1

The CRMP group recommended game retrieval be allowed, however, the BLM didn't support game retrieval in the beginning and, accordingly, has not included game retrieval in any alternative. The reason cited is that game retrieval would create an enforcement problem for the Montana Dept. Fish, Wildlife & Parks. Why would that one item pose more problems than any of the others involving enforcement of off-road travel rules and regulations?

C-5

C-24

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The DFW & P has stated that any element of an off-road travel will cause enforcement problems, but only because of a lack of manpower - not because it's hard to enforce. The fact that it is a law is enough deterrant. Some people are bound to take advantage of any of the rules, however, 90% are going to abide by them, thus obtaining the results you desire. Allowing game retrieval is not going to impact the effectiveness of an off-road program. It will, however, allow more people to utilize the resource without damaging it. Isn't this what we're supposed to do with public land?

Because you appeared to totally disregard every phase of public input in developing your "preferred alternative", there is now overwhelming support of our 180 plus club members to request you include alternative A (current) in the JVP rather than alternative E. No plan at all is better than a bad plan.

Regardless of what alternative you ultimately select, our club would emphatically request you include game retrieval. Please consider the desires of the people who live here and use the land in your decision making process.

Sincerely,

Greg Erickson, President
Valley County Sportsmen's Club

SE/vr.

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Dec. 11,1991

Bureau of Land Management
District Manager
P.O. Box 1160
Lewistown, MT 59457

Dear Sirs:

Your Judith/Valley/Phillips RMP is extremely one-sided, anti-multiple use, and will have very harsh impacts on private landowners and local and state economies.

This document clears the way for the ESA and its drastic effects on the people living in this part of Montana.

The loss of tax revenue of 103K does not include the loss of cattle tax revenue or equipment and land development revenue increases. The 10% increase in agricultural economic activity is purely a shot in the dark and would never replace the loss of 37,000 AUM's of cattle grazing. There is no guaranteed AUM mitigation in the plan. The exchanged land is for the most part too poor for anything but grazing.

There should be no net gain in land acquisitions. BLM land should only be traded for land of equal value. Any federal agency buying private land should not be able to pay more than the appraised value.

Any losses in tax revenue; including cattle, machinery, and buildings; should be picked up by the federal government and paid to the affected county. This would fully replace the tax losses to the local and state economy resulting from land acquisition and disposal.

No water should be diverted from Milk River. There isn't enough water for irrigators in over 5 out of the past 10 years already. Any additional water used would adversely affect private land owners and the local and state economy.

Any loss to the local economy caused by raising waterfowl here for hunting in the south is unacceptable; those who will receive the benefits should pay. There is hardly room nor the water rights for a 30% increase in dam construction for wetlands.

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Fencing for existing dams with tanks installed below, paid for by the BLM would be a much better and more acceptable solution. The 238 miles of streams listed for erosion control must be listed and costs identified to each affected landowner and lessee. A 12.2 million cost to ranches is unacceptable. Improved habitat on 595 miles of streams and rivers must be addressed in the same manner.

Surface disturbance restrictions are unworkable, period. Grouse are not nor will be a candidate for an endangered species.

D-9 Winter range restrictions are completely unworkable and will be an infringement on private land owners with intermingled private and BLM land. Some operators depend on winter range for profitable operations. The potential for litigation is high. Multiple use is thrown out the window.

This document is merely a prelude to the impacts of the ESA in this area of the country. Present use is the only plan that will not have a huge negative impact on the economy and the way of life enjoyed by the people living here.

The document is far too technical and was developed that way on purpose to keep local input out. It should be rewritten and educational seminars included in the next RMP. The potential for anti-government (BLM, USFWS) activity is increasing, as is the potential for more private land being closed to hunting and other activites.

Sincerely yours,

Scott Cassel

Scott Cassel
Box 495
Saco, MT 59261

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII, MONTANA OFFICE
FEDERAL BUILDING, 301 S. PARK, DRAWER 10096
HELENA, MONTANA 59626-0096

Ref: 8HO

December 12, 1991

B. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, Montana 59457-1160

Re: Judith-Valley-Phillips
Resource Management Plan
Draft Environmental Impact
Statement

Dear Mr. Miller:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Environmental Protection Agency's Region VIII Montana Office (EPA) has reviewed the above-referenced Draft Environmental Impact Statement (DEIS).

The Bureau of Land Management - Lewistown District has proposed five (5) alternatives for multiple-use management within the Judith, Valley and Phillips Resource areas. A preferred alternative has been selected, Alternative E. Nine (9) planning issues associated with this plan were identified during the EIS process. These were: land acquisition and disposal, access to BLM land, off road vehicles, oil and gas leasing and development, hardrock mining, riparian and wetland management of watersheds, elk and bighorn sheep habitat management, prairie dogs and black-footed ferret management, and areas with special management concerns.

Alternative E was selected by BLM because it is a combination of all the other alternatives in a balanced resource development versus protection form. Although EPA's review supports Alternative D as far more protective of the environment, Alternative E does provide some excellent resource protection. This alternative will designate critical environmental areas; close off these critical environmental areas; set aside areas for the reintroduction of the black-footed ferret and improve or maintain riparian-wetland areas.

EPA does prefer Alternative D and in this regard offers the following attached comments, concerns, and points of view which

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may improve or clarify the final document. EPA was impressed with BLM's document construction, format (especially appendices), impact disclosure and intensity to detail with most all issues. EPA feels there was excellent development and analysis of impacts and how each alternative would or would not resolve those potential conflicts with the environment.

EPA's environmental concern here is mainly with mining and the suggested negative impacts with future mines and current mine expansions. Mining is an issue which needs further attention, expanded review and stronger protective commitment as part of the preferred alternative. Alternative D (page 69) provides superior protection of those Areas of Critical Environmental Concerns (ACEC) which the BLM has identified in this document. The preferred Alternative E (page 83) falls dramatically short in protecting those resource important areas from possible mining development (30,000 acres versus 6,000).

We draw your attention to Section 313 of the Clean Water Act (CWA) and Executive Order 12088, "Federal Compliance With Pollution Control Standards", which state that Federal agencies having jurisdiction over any property, or engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants, shall be subject to and comply with all Federal, State and local requirements respecting the control and abatement of water pollution. Also, Section 319(b) of the CWA specifies that Federal development projects and programs must accommodate and be consistent with State Nonpoint Source Pollution Management Plans. We think the BLM needs to take a more active role in addressing water pollution control concerns on BLM land.

In accordance with the criteria that EPA has established for rating draft environmental impacts statements, we have rated this Draft EIS as category EC-1 (Environmental Concerns - Adequate Information). A copy of EPA's rating criteria is attached.

If the BLM has any questions concerning these comments, please feel free to contact Jeff Bryan of my staff at (406) 449-5486, or FTS 585-5486.

Sincerely,

John F. Wardell, Director
Montana Office

Attachment

cc: Phyllis Williams, SWM-EA
Dave Roberts, OFA-A/24

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Judith-Valley-Phillips Resource Management Plan
Draft Environmental Impact Statement

DETAILED COMMENTS

MINING:

EPA recognizes that hardrock mining may have very negative impacts on various resources both on and outside the management plan areas. Impacts to wildlife (page 1B1), forest land (page 1B5), livestock (page 173), soil and vegetation (page 170), air and water quality (pages 167-168), cultural (pages 191-193), recreation (page 194), visual (pages 197-198), and social (pages 216-217) are described in detail within the draft EIS. Many of these negative impacts are stated as associated with mining in the Little Rocky and Judith Mountains. How can these impact possibilities be better dealt with within the context of Alternative E? EPA would suggest using Alternative D's benefits concerning this hardrock mining category as an excellent start.

Y-21

EPA believes its extremely important that management emphasis be placed on "preventing unnecessary or undue degradation by applying mitigating measures" on all mining operations. This is certainly a very important component of the NEPA process and should be so utilized. Alternative E details a lack of this commitment as appropriately expressed in Alternative A (Table S.1.V.).

Y-22

There appears to be some conflict between statements in the Summary of the Complete Effects and those addressing the same issues in Impacts by Alternatives. This difference is particularly notable in the air and water quality sections (page 22?). Cumulative effects may have strong influences both outside or adjacent to the physical boundaries of the resource management areas. Impacts on and those from Fort Belknap Indian Reservation, as an example, should be identified and evaluated as part of the overall management plan. Especially wildlife, air/water quality, and cultural-social go beyond the parameters of these resource areas.

K-5

EPA asks why the Acid Shale-Pine Forest (ACEC) was not listed and discussed in the hardrock mining section of Alternative E (pages 83-84?) This area was discussed in Alternative D clearly under hardrock mining.

OIL AND GAS:

Alternative E does appear to favor oil and gas leasing and development as shown in Table 2.64, page 83. For Alternative E the total number of acres closed to leasing is

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less than the 'no action' (current management) Alternative A by approximately 20,000 acres. Oil and gas development does exhibit negative impacts on air and water quality, soils and vegetation, wildlife, cultural, recreation and visual as stated in the Draft EIS. EPA asks why there would be no impacts on livestock grazing from oil and gas leasing and development?

D-18

WATER RESOURCES-VEGETATION:

EPA agrees with the BLM concerning their statement, "reduced livestock allocations may be needed to improve riparian-wetland areas in some allotments" (page 175). The BLM should be concerned with an ecological status that shows a 40 percent poor to fair condition class for all riparian zones (page 121). Perhaps this situation will be improved upon after an analysis has been completed on all stream reaches (page 123) and measures taken to address those specific problems.

M-1

EPA is also concerned with those stated potential impacts to westslope cutthroat trout population associated with mining activity in the Collar Gulch area (pages 1B1 and 1B8). Again, Alternative D would be a very positive approach to dealing with this important resource issue.

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CENTRAL MONTANA
RESOURCE CONSERVATION & DEVELOPMENT AREA

December 18, 1991

B. Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

RE: Written Comments about Judith Valley Phillips EMP/EIS

Dear Mr. Miller:

Please consider the following comments on behalf of the Central Montana Resource Conservation and Development Area, Inc., regarding the draft Environmental Impact Statement (Resource Management Plan) for the Judith Valley Phillips Management Areas.

The Introduction on page 1, Purpose and Need, states:

> "The JVP EMP/EIS provides a comprehensive plan for managing federal resources administered by BLM and is prepared under the authority of Section 202(a) of FLPMA. The EMP/EIS precedes activity planning which is a site-specific, detailed plan that precedes site development."

Page 4, Issues not addressed, states:

> Coal
>
> "Coal development is not addressed in this EMP/EIS because the planning area is not in a coal production area and no federal coal leasing will result from the plan. Also, no coal companies expressed interest in coal resources during the scoping process. Potential federal coal leasing would be guided by the federal coal management regulations (43CFR3425).
>
> Future application for a coal lease would require an amendment to this EMP/EIS and would be subject to state government and public review."

A. The fact that this planning area is not currently "in a coal production area" or that "no coal companies expressed interest in coal resources during the scoping process" certainly does not preclude the existence of a significant occurrence of coal in the planning area, of which BLM probably holds a substantial mineral interest. The portion of the statement which says "no federal coal leasing will result from this plan", is an understatement if BLM does not consider the existence of hundreds of millions of tons of coal an important enough resource to be included in a "comprehensive plan for managing federal resources administered by BLM...".

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B. Even if coal development was included in this EMP, future applications for coal lease would still require the BLM to secure government and public review. However, any "future application for a coal lease would require an amendment to this EIS", a monumental task which could be avoided if coal resources and coal development were already addressed in the process of developing a comprehensive federal resource management plan.

C. The 1983 BLM Billings Resource Area EMP/EIS included coal and coal development as an issue considered, even though it was not a "significant production area at the time." That final EIS states, "The resource area contains known deposits of coal where surface or underground mining could occur. Before Federal coal can be considered for leasing, a decision must be made in a land use plan determining how much of the coal is acceptable for further consideration for leasing." Is that not the case for the Judith Valley Phillips Resource Area? Since the completion of the 1983 BLM Billings Resource Area EMP/EIS, one major coal development project has been proposed, and is currently in the final months of state and local government permitting review. Had the coal resource not been included in the 1982-83 management plan development process, this project would probably still be trying to get an amendment to the management plan, or more likely, would never have been pursued.

P-1

D. This EMP/EIS states that 49.1 million tons of federal coal resources with high/moderate development potential exists, according to a 1986 study. Are there any private coal resources in the area that, in combination with federal resources, may change the development potential of coal? Is this quantity considered to have moderate/high development potential based on current mining methods and technologies only?

P-2

E. This EMP considers the "Unavoidable Adverse Impacts" of each alternative on hardrock minerals and oil and gas development activities, though does not include coal. The same thing applies to "Irreversible or Irretrievable Resource Commitments".

P-3

F. This EMP/EIS states that this EMP will provide for management of lands for the next 15 years. With such major management initiatives as (1) Land Acquisition and Disposal, (2) evaluation of ACEC nominations and (3) re-introduction of the Black-Footed Ferret, how can impacts of such management alternatives not be potentially significant to the consideration of future coal development?

P-4

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G. Many recent studies conducted for the National Energy Strategy, NW Power Planning Council Electric Power Plan, Montana Governor's Office, etc., project increased demand for energy over the next ten to twenty years. A significant portion of this increased demand may have to be addressed with coal resources. Recent Clean Air Legislation by Congress appears to hold the potential for increased demand of the West's cleaner coal resources. Foreign markets are currently taking a closer look at the possibilities of using Western U.S. Coal. Clean Coal Technology Research and Development efforts are seeking cleaner uses of coal resources, including fuel cells, methane gas extraction, etc.

The potential for the status quo of the Judith Valley Phillips Resource Management Area as a coal production area has not been evaluated, particularly if consideration is given to the possible changes the above may bring over the next fifteen years to coal development. Numerous sources, such as the Montana Bureau of Mines, U.S.G.S., Montana Department of Natural Resources, even BLM, to name a few, acknowledge the existence of significant quantities of coal resource in this management area. It is simply unacceptable to leave such an important resource out of a planning process when it can have immeasurable influence on the future of a vast Resource Area.

This RMP/EIS will be remiss and incomplete if the coal resource is not given the full consideration of an issue in this process. Without evaluation of the Coal Resource, the accepted alternative should be Alternative A (No Action - Current Management).

Thank you for the opportunity to provide comments about the Judith Valley Phillips Resource Management Plan EIS draft. Please consider the above comments before issuing the final draft or your Record of Decision.

Sincerely,

Vern Petersen
President

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
MAY GRIMSLEY	BOX 357 MALTA MT. 59538	DEC. 12 1991

OPINIONS: That little parcel is not the problem, it should be left for Love to keep him closely, money taxes and arrest cause of Federal and state citizens over more Private land - maybe to become more + more - right now it may be able to Cause enough problems for Ranchers & Farmers of So. Phillips County: I have to give up and join the Hundreds of People who are bankrupt living off.

We have continually held this Peaceable of the Constitution for the Body of the United States in order to form a more perfect Union, establish Justice, insure domestic tranquility, Provide for the Common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Bill of Rights for the United States of America

Sincerely, May Grimsley

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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Dear Sirs

Land Acquisition and Disposal

I feel that the permittee should have the first right to acquire Federal land within his or her allotment. I also feel that the Federal government has plenty of land in this area without acquistering more. It would be a blessing to the local residence if the government would dispose of what they have.

Access and Off road vehicles use

I am concerned about what appears to be a blanket policy about this issue. I feel it should be a matter for the individual permit holder and the B.L.M. to work out in a case by case situation.

F-1 Riparian and Wetlands
I feel the riparian and wetlands portions of this RMP-EIS Impact Statment should be with held, since there is not a clear definition of what they are within the statement.

Elk and Bighorn Sheep

The B.L.M.s purpose is to manage range conditions on Federally owned land in a multiple use concept. There for it would appear that if the B.L.M. feels that the area within the R.M.P. can sustain an increase in Elk and Bighorn sheep then they should also increase the number of cattle within the same area, since cattle have a more positive expected on the economy.

Prairie Dog and Black Footed Ferret
It would appear the B.L.M., State Fish and Game and the Department of Wildlife, are trying to use the Endangered Species Act of 1973 as a way to secure their own jobs at the expense of the local economy and lifestyle of its residence, through the use of the Blackfooted Ferret and Prairie Dog.

In conclusion I feel that this Range Management Program, is just another tool of the government's to try and get more control of its citizens. This R.M.P. is the result of a few individuals work without any regard to the local economy and lives of the individuals trying to make a living in the area.

/s/ Chris Berthelmes

(Typed exactly as received for reproduction in the final RMP/EIS.)

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I wish to enter this statement into the record of the Judith Valley Phillips R.M.P. - Eis.

My name is Lee Berthelmes. I live in Phillips County.

Land acquisition, and disposal, any permit holder should have at their option, the right of first refusel. if any land within his & her elements is being considered for disposal, or being aquired by any outside of that allotment. Anything less does not meet with the criteria of due process.

Access to Public domain is everyone's right, however there should be certain responsibility to go with free access, such as respecting the Multiple use concept.

It appears that everyone whether it be Federal, State, Country or private have a different policy on wetlands, and riparian areas. This should be deleted from any regs until a unified policy is in place that is acceptible to everyone who will be affected.

The elk and bighorn sheep management programs run parralel with prairie dog ferret program. Very little consideration is given to the product, who lives in and around the affected area. This action does not lend itself to the multiple use concept. (not one bit)

Many of us in the private sector are opposed to this rep. Always in the back of our mind we feel our way of life, which we love is jeprody. We also feel that many of these new programs are just the means used to perpetuate the growth of more bureaucracy.

Thank you.
/s/ Lee Berthelmes
Rt 86 box 8070
Malta Montana 59538

(Typed exactly as received for reproduction in the final RMP/EIS.)

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Teigen, Montana - 59084
December 12 - 1991

Regarding Judith, Valley, Phillips Resource Management Plan:

As a member of the Teigen Land and Livestock Board of directors, I wish to comment on the plan. I agree with the Petroleum County Stockgrowers ideas. Namely:

1. No net gain of B.L.M. lands should be made. Too much government control already.
2. No forced access across private lands should be made to reach public lands.
3. Access should be limited to existing roads.
4. Special management needs, such as fencing water development, etc. should be paid by B.L.M.
5. Allowing Elk population to increase would create degredation of land, and result in fewer AUMs which would cause financial hardship.
6. Prairie Dog and Black Footed Ferret should not be favored against people's rights. They do not pay taxes.
7. Any special management should not affect total AUMs.
8. Oil and Gas Exploration should not be restricted. This would cause a loss of taxable valuation. After all - where does your income come from?
9. Reduction of AUMs - results in loss of taxable valuation.

I must add the comment that this nation, and this State have been built up in a large part by farmers and ranchers. Any further restrictions and limitations will only decrease their contribution to the welfare of the country.

/s/ Ann Teigen

(Typed exactly as received for reproduction in the final RMP/EIS.)

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Box 424
Rye, Montana 59061
December 11, 1991

United States Department of the Interior
Bureau of Land Management
Lewistown District Office
Lewistown, Montana 59457-1160

The following are my comments on your draft Judith Valley Phillips Resource Management Plan and Environmental Impact Statement (RMP/EIS)

* The Draft RMP/EIS does not spell out how any individual ranches and farms will be destroyed by implementation of the various scenarios.

For instance, acquisition of one key meadow of one historic TH Ranch on the Judith River not only eliminates its source of winter feed, but protected, accessible calving grounds as well. To destroy such a ranch for nebulous recreational and "ecological" purposes is reprehensible.

A-31 * Why is it economically desirable to convert range land to farm land when the Government, really the taxpayers, is already paying to put farm land back to grass via its Crop Reduction Program?

* The economic analyses of one various scenarios presented are questionable. With drastic realignments of land use proposed in several plans, it would seem desirable to panel a group of knowledgeable experts in the economics of the various enterprises impacted, both positively and negatively, to arrive at an acceptable consensus.

Yours Truly,

/s/ Diane Wolfgras
Diane Wolfgras, Ph.D.
338-4957

(Typed exactly as received for reproduction in the final RMP/EIS.)

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Valley County
501 Court Square
Glasgow, Montana 59230
Phone: (406) 228-8221
FAX: (406) 228-9227

December 11, 1991

Mr. David Mari
District Manager
Bureau of Land Management
P. O. Box 1160
Lewistown, MT 59457-1160

Re: Formal Notice from Valley County Requesting Participation in Bureau of Land Management Land Use Planning Process for the Judith-Phillips-Valley Resource Management Plan and Notification of Intent by Valley County to Develop a Local Land Plan

Dear Mr. Mari:

Pursuant to Bureau of Land Management Regulations at 43 C.F.R. Section 1610.3, Valley County formally request that its County Commissioners be granted the opportunity to participate in the development of the Judith-Phillips-Valley Resource Management Plan for the Lewistown District Area. BLM regulations specifically provide opportunities for county governments to participate in the development of and to influence the decisions made through BLM planning processes, beyond those participation opportunities granted to the general public.

BLM regulations state:

> (a) In addition to the public involvement ...the following coordination is to be accomplished with other federal agencies, state and local governments, and Indian tribes. The objectives of coordination are for the state directors and district and area managers to keep apprised of non-Bureau of Land Management plans; assure that consideration is given to those plans that are germane in the development of resource management plans for public lands; assist in resolving, to the extent practicable, inconsistencies between federal and non-federal government plans; and provide for meaningful public involvement of other federal agencies, state and local government officials, both elected and appointed, and Indian tribes in the development of resource

1

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> management plans, including early public notice of proposed decisions which may have significant impact on non-federal lands.
>
> (b) State directors and district and area managers shall provide other federal agencies, state and local governments, and Indian tribes opportunity for review, advice and suggestions on such management which may affect or influence other agency or [local] government programs.
>
> 43 C.F.R. Section 1610.3-1 Emphasis Added

As described above, this regulation, entitled "Coordination of Planning Efforts" gives Valley County the additional opportunity to influence BLM land use decisions. This regulation directs the BLM to give local governments early notification of proposed decisions "which may have a significant impact on non-federal lands," and requires that the Bureau take all practical measures to resolve conflicts between federal and local land use plans. Id. Valley County has not been involved with the BLM to the extent required by the above regulation and formally requests that the Bureau recognize Valley County's right of participation as required by BLM regulations. Y-38

The above BLM regulations also use the term "coordinate" to describe the relationship between the local governments and the federal agencies. The word "coordinate" means "equal, of the same rank, order, degree, or importance; not subordinate." Black's Law Dictionary, 202 (5th ed. 1979). Therefore, in developing its land use plans, the federal agencies must equally consider the needs of the local Communities as expressed by the Valley County government.

In addition to requesting the right of participation, this letter also notifies the BLM of Valley County's intention to develop a local land use plan. The BLM regulations require consistency between federal land use plans and local land use plans.

BLM regulations state:

> (a) Guidance and resource management plans and amendments to management framework plans shall be consistent with officially approved or adopted resource related plans, and policies and programs contained therein, of other federal agencies, state and local governments and Indian tribes so long as the guidance and resource management plans are also consistent with the purposes, policies, and programs of federal laws and regulations applicable to public lands, including federal and state pollution control laws implemented by applicable federal and state air, water, noise and other pollution standards or implementation plans.

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(c) State directors and district and area managers shall, to the extent practicable, keep apprised of state and local governmental and Indian tribal policies, plans and programs, but they shall not be accountable for ensuring consistency if they have not been notified, in writing, by state and local governments or Indian tribes of an apparent inconsistency.

(e) Prior to the approval of a proposed resource management plan, or amendment to a management framework plan or resource management plan, the state director shall submit to the governor of the state[s] involved, the proposed plan or amendment and shall identify any known inconsistency with state or local plans, policies or programs.

43 C.F.R. Section 1610.3-2 Emphasis Added.

Y-38 Again, BLM Regulations require BLM plans to be consistent with local plans. To ensure that such consistency reviews occur, the local government is responsible for notifying the BLM of conflicts between local and federal plans. This letter shall constitute that notification for Valley County. Once the BLM is notified of the inconsistencies, the agency must consider alternatives to alleviate theee problems. This consideration should appear as part of the environmental impact statement that was developed with the Judith-Phillips-Valley Resource Management Plan.

The National Environmental Policy Act (NEPA) also requires that federal agencies, including the BLM, evaluate the affects of their actions on communities. For example, one of the goals of NEPA is to, "use all practicable means to ...preserve important historic, cultural and natural aspects of our national heritage. 42 U.D.S. Section 4331(b)(4). Emphasis added. Culture and custom are defined as a "right granted to a locality." Custom is a usage or practice acquired by people, which by unvarying habit has become compulsory and has acquired the force of law." Bouvier's Law Dictionary 417, 1867. Culture is the customary beliefs, social forms and material traits of a group; "an integrated pattern of human behavior passed to succeeding generations." Webster's New Collegiate Dictionary, 277, 1975. The above definitions do not limit custom and culture to one particular race or group but describe it as a use that is passed to succeeding generations. Under these definitions, certain ranches, timber jobs, mining or other commodity interests that have been passed from generation to generation are included as custom and culture. As stated above, once these terms have been defined, NEPA requires that they be "preserved." The logical place to define custom and culture is the land use plan; the logical entity to define custom and culture is the elected local government. Custom and culture will be defined in Valley County's plan.

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Finally, Valley County also understands that the BLM Judith-Phillips-Valley Resource Management Plan evaluates whether black footed ferrets should be reintroduced pursuant to the Endangered Species Act (ESA). Although this letter does not describe the County's position on this subject, the Endangered Species Act required that local governments be notified and allowed to comment on all species listings and critical habitat designations. 16 U.S.C. Section 1533(b)(5)(A)(ii). The Courts have ruled that failure by a federal agency to adequately consider these types of comments will voide the final agency decision. Natural Resources Defense Council v. Clark, No. 84-0548 (August 13, 1987). Valley County will include a discussion of black footed ferret introduction in its land plan. Such discussion will include a description of the steps that the county is taking to preserve the Black footed ferret. The ESA states that if local governments develop local recovery plans to protect an endangered or threatened species, those plans would have to be considered before the federal agency could take additional steps to protect the species. 16 U.S.C. Section 1533(f)(1). The plan to be developed by Valley County to protect the ferret will be adequate without additional reintroduction by the BLM.

In conclusion, the BLM has failed to fulfill its obligations under the above regulations to allow additional participation for Valley County in the development of the Judith-Phillips-Valley Resource Management Plan. Valley County requests that it be allowed its full measure of participation, beyond that offered to the general public. Additionally, Valley County is in the process of completing a local land plan and request that the BLM coordinate its activities with that local land use plan. Please notify Valley County of the BLM's intention to honor and obey those statutes within fifteen (15) days of the date this letter is received. Valley County looks forward to working with the BLM on this plan.

Sincerely,

Valley County Commissioners

By: _____
Arthur A. Arnold, Chairman

AAA/dw

cc: Congressman Pat Williams
Congressman Ron Marlenee
Senator Max Baucus
Senator Conrad Burns
Cy Jamison, Director of BLM

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12-12-91

Gene Miller
District Manager
Bureau of Land Management
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Sir:

I am sure you have already received many letters complaining about the Judith Valley Phillips RMP/EIS plan that you propose. I, too, am not in favor of this plan, & I ask that you consider this plan very carefully.

I have only two areas that I want to comment on. The first being the land acquisition idea. Being a land owner & also believing in free enterprise, I do not believe that it is in the best interest of the American people for the government to acquire more land.

The second comment concerns the economic impact of the preferred alternative. When AUM's are reduced, the government looses their base money, the local governments loose their property tax money, the city merchants loose because the rancher has less money to spend in town & also the rancher looses because of reduced cow numbers. If you are going to reduce AUM's, let's make sure that the wildlife, or whatever is going to replace the cattle, yields the same or more in dollars. In other words, please take a careful look at the true economic impact of what you are proposing.

Thank you for your consideration.

Sincerely,
/s/ Raymond A. Hole

(Typed exactly as received for reproduction in the final RMP/EIS.)

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Utica, Mt.
December 11, 1991

Lewistown BLM office
Airport Road
Lewistown, Mt. 59547

Dear Sirs:

I'm writing regarding the controversy over the BLM-ACEC area or concept.

I went to say I have heard so much yes and nos and finally decided I had to come down against it.

A-12 The main reason is my years of watching the whittling away of our rights on the Land until now I have a real and complete distrust of any move made by the government in any agricultural area. The ideas sound fine, but how will it be "adjusted" and "modified" in years once they get a door open?

All aspects of the country have lost their rights, but agriculture in particular, because we are so few in number I guess, but we still have the power if we have to use it.

I think we have to say "NO" to the latest proposal.

Sincerely,
/s/ Mrs. Ken Ferry
Utica, Mt. 59452

(Typed exactly as received for reproduction in the final RMP/EIS.)

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BLM
Lewistown, Mt

Dear Sirs -

I am concerned that 640,000 acres of land are to be taken out of production & given to prairie dogs. Please stop this disgraceful, harmful usage of the land.

Who has it in the papers all of time that they have more black footed Ferrets than they know what to do with them. Why isn't this brought to the public of Montana's attention.

Stop this stupid movement.

Sincerely
/s/ Billie Lou Arnett

(Typed exactly as received for reproduction in the final RMP/EIS.)

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american fisheries society
MONTANA CHAPTER

P.O. Box 2163
Great Falls, MT 59403
12 December, 1991

Mr. E. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

The Montana Chapter of the American Fisheries Society (MCAFS) would like to take this opportunity to comment on the draft BLM Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement (RMP/EIS). The Montana Chapter is one of 51 Chapters of the American Fisheries Society, an international organization of nearly 9,000 fisheries biologists, aquatic science professionals, and student members dedicated to the advancement of fisheries science and the conservation of renewable aquatic resources.

After reviewing the draft document, we strongly support the establishment of the Collar Gulch ACEC (Area of Critical Environmental Concern) to provide security to the genetically tested, pure strain population of westslope cutthroat trout (Salmo clarki lewisi), a class A species of special concern, which inhabits a mile of stream in Collar Gulch. This population is particularly important since the historic range of westslope cutthroat trout has been severely reduced east of the continental divide. In 1984, it was estimated only 14.1 stream kilometers of the original 11,400 kilometers in the Missouri River drainage contained genetically pure populations. The MCAFS supports the maximum protection possible for the westslope cutthroat trout population in Collar Gulch (alternative E in the RMP/EIS). This includes designation of 1,818 acres as an ACEC and withdrawal of the area from mineral entry. This action would have little impact on other users since only minor negative impacts would result to hardrock mineral and forestry developments in the Collar Gulch area and only potential future economic conditions, due to restrictions on mineral development, could be affected by maximum protection of the cutthroat population. The positive impacts realized to air and water quality, wildlife, and recreation appear to outweigh any potential negative impacts.

An additional comment on the RMP/EIS involves the Riparian and Wetland Management of Watersheds. Based on fisheries values, the MCAFS recommends alternative D, which provides for the maximum number of allotments, mile of streams, and water sources to be managed for riparian and wetland values. The fencing of waterfowl and fishing

300

Dec 10, 1991

Dear Sir:
I wish to have my land that my machine for acquisition in your RMP/EIS taken off the map. The land is on the Fourteen Mile South of the Finchamson Dams in Phillips County.

Sincerely
John Arnett
RR
Winnebah, Mont. 59471

301A

reservoirs to establish or protect shoreline vegetation for a 100-feet perimeter around the high water line, would have significant positive effects on water quality in reservoirs capable of sustaining fisheries.

Thank-you for allowing the MCAFS to comment on the RMP/EIS.

Sincerely,

James E Peterman

James Peterman
President, Montana Chapter
American Fisheries Society

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12-12-91

To BLM:

I FRED W. COLVER WOULD LIKE TO REMOVE OUR LAND FROM THE JVP-RMP ALSO TO BE REMOVED IS LAND OWNED BY FRED D. AND BERYL L. COLVER.

Fredw. Colver
12-12-91

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December 11, 1991

To: The Bureau of Land Management

Re: Land Acquisition

Legal description of proposed acquisition:

T. 17 N., R.22E

Section 22	Section 21
E 1/2 of NW 1/4	NE 1/4 of SW. 1/4
NE 1/4	S. 1/2 of SW. 1/4
	SW. 1/4 of SE. 1/4
	N. 1/2

TOTAL: 720 Acres.

I am Kathryn Link Wyman and I was born and raised in Central Montana on the ranch my husband Wayne and I now operate known as I-Links Ranch. The 720 acres listed above is owned and operated as a part of this ranch.

I am writing to object to the proposed acquisition by the B.L.M. of this land. I want this afore mention land removed from the B.L.M. Wish list. I feel it is important to keep it in private ownership for a continued tax income for the county of Fergus. I also strongly feel that the government already owns enough land.

Sincerely,

Kathryn Wyman

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P.O. Box 3501
Casino Creek Road
Lewistown, Mt 59457
Phone 406-538-7160
or 406-538-8684

After Hours:
406-538-7697
Mon-328-8808

Casino Creek Concrete

Marvin Mathison, Ronald A. Combs
Owners

- Ready mix Concrete
- Sand & Gravel
  All Types & Grades
- Septic Tanks
- Pre-Cast Products
- Pond Bunks

November 6, 1991

Cy Jamison
Director of BLM, Department of Interior
18th and East Street NW, Room 5660
Washington, D.C. 20240

Dear Mr. Jamison.

I am writing as a concerned tax payer and businessman of Central Mt. The JVP RMP has serious implications on the people of this area. If this document is implemented, it would greatly increase the Federal Governments control of our land and people.

The Government means well, but your programs are to restrictive and to expensive. Federal control of land would have a negative impact on the development of our resources.

Y-1 I am in favor of multi-uses of the land, this includes farming,
Y-2 ranching, tourism, recreation, timber, oil, gas, and mining. There are already State and Federal regulation in place. Why do we need another layer of control?

We cannot put ACRE'S in your hands. In my opinion, the Government has "HIT THE WALL". We cannot afford anymore GOVERNMENT!

Sincerely,

Marvin L. Mathison
Casino Creek Concrete

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12-11-91

GENE MILLER

SUBJECT-- JVP RMP

FOR THE RECORD I'M WAYNE WYMAN JR. I LIVE IN FERGUS COUNTY I'M A LONG WITH MY WIFE KATHRYN OWN'N OPERATE THE RANCH WE LIVE ON SINCE 1970—THE PART OF THIS STUDY THAT EFFECTS US DIRECTLY IS THIS GROUND WE OWN AT BLACK BUTTE—THE LEGAL DESCRIPTION IS IN MY SON-IN-LAW'S LETTER & THE LETTER MY WIFE SENT—I WANT THIS GROUND REMOVED FROM JVP RMP'S WISH LIST— WE ARE DEFINITELY WHAT YOU CALL UNWILLING SELLERS—

SOME OF OUR EARLIEST POUNDING FATHERS STATED THE BEST GOVT. IS THE LEAST + IT IS STILL TRUE TODAY—THIS UNDERSTAND OF GOVT. TO WANT TO BUY LAND IS TOTAL SOCIALISM AND MUST BE CHECKED—WITH THE GOVT DEBT AT ONE TRILLION PLUS SOMETHING IT APPEARS TO ME GOVT. DO SOMETHING TO REDUCE THIS DEBT— GOVT IS IN NO POSITION TO BUY ANYTHING WITH THE TYPE OF MANAGEMENT IT DISPLAYS—AT SOME POINT AN INVERSION OF COMMON SENSE MUST ENTER THE PROGRAM—MAKE A STUDY ON HOW TO CLEAN UP SOME DEADWOOD IN SOME OF THESE DEPTS. OF GOVT.—THE ONLY PLAN THAT COULD POSSIBLY IN THE STUDY IS PLAN A— A DRUNK READY TO GO INTO REHABILITATION WOULD HAVE KNOWN THAT'S IT WE DIDN'T COST 6000,000—

THE BLM'S PERFORMANCE TO THIS POINT IS UNABLE + IS AN EXCELLENT FIRE FIGHTER

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December 11, 1991

B. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457

Dear Mr. Miller:

I am Don Pyrah which along with my wife Tammy, are involved in a family incorporated ranch along Fords Creek and adjoining the east side of Black Butte in Fergus County, Montana. Firstly, I would like to express here that I am adamantly opposed to the dangerous precedent set in the Judith, Valley, Phillips Resource Management Plan (JVP RMP). Specifically, this RMP represents a dramatic shift in the traditional uses of the Multiple Use concept. The BIS seems to be directing more focus upon land acquisition as if public pressure is driving this change about. Mere identification of some 570,000 acres suitable for acquisition, opens the door for federal mandate to acquire these lands. This is very dangerous, and a precedent which needs carefully examined.

Land Acquisition and Disposal

I request that lands deeded to Three Links Ranch Inc. in Township 17 North, Range 22 East, be removed from the lands identified as meeting acquisition criteria. See attached legal description. I would like to point out why our property would be of little value to the BLM or the public. The existing BLM land contained within our property has little recreational value. Wildlife does not utilize this acreage on a regular basis. Other recreational activity use appears minimal. The lands that have been identified as meeting acquisition criteria, merely parses these isolated BLM tracts together and provides a "recreational corridor" to the southwest exposure of Black Butte. The mule deer hunting opportunities near Black Butte will still primarily occur on privately held lands. The "corridor" would only be of value during antelope hunting when the antelope seek safety on the large flat the corridor would encompass. The public domain lands above our deeded lands do not begin until almost 1/3 of the way up Black Butte, well into the trees. Wildlife occurrences are negligable above this point. These reasons support my withdrawl request.

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Access

Nowhere in the BIS are any cooperative alternatives and cooperative management ideas addressed. I believe that public lands need identified where they exist ON THE GROUND! This means somehow, for every section of land, but above ground markers set at pre-determined distances to identify lands where intermingled with private lands. I feel that if these lands were identified so that anyone in the field could ascertain they are indeed on "public lands", we may be able to avoid some landowner/recreationist conflicts. We have some further thoughts on access. Creation of a trespass board, composed of BLM officials and landowners, to examine access problems by access problems. Assignment of an AUM utilization figure could enable the board to determine how much access was done. The landowner could then receive some sort of "credit." However, this credit need not be monetary. I feel that if this were done there may be many willing landowners allowing access across private lands. Granted there are some problems with my proposal, but I feel there are merits that may provide a lucrative solution to an ever increasingly difficult situation.

Riparian and Wetlands Issues

F-18 Scientific research at many universities has shown that proper grazing practices can augment riparian zone habitat conditions. The RMP needs to acknowledge this information. The very nature of riparian zones and wetlands require special management considerations. Changes in management strategies need serious consideration; herbicide rates, prescribed burning, and seasonal use planning. Some of the many federal monies spent towards this document could have been applied towards these goals. Noxious weed management is probably the most important issue that was R-1 not adequately addressed in the BMS and BLM efforts towards control of noxious weeds have been largely ineffective. Much care is needed when addressing these issues to ensure that we do not end up with our riparian zones and wetland areas a "quasi-wilderness" in the coming years. Regretably, this seems to be the current trend.

Elk Habitat

G-1 Primarily, there needs to become an increase in inter-
G-2 agency cooperation between the BLM and the MDFWP. There
G-13 can no longer be the attitude of hiding behind divisions of responsibility if cooperation of landowners is desired. If we are expected to take responsibility then agencies must also. The problem with this RMP is that habitat augmentation should not overlook private property rights. The government is not suppose to usurp individuals' rights for its goals. In other words, address habitat questions

308B

G-4 AFTER private property rights are identified. The JVP RMP needs to be in harmony with the current MDFWP elk management document. I support a no-net gain in elk habitat. As we know, expanding populations will always use marginal habitats. During periods of population decline, populations will shrink back into the habitat that provides the greatest security. The BLM's best intentions of providing more elk habitat are superfluous to an expanding elk population. There are too many factors, other than habitat, which drive herd numbers. The herd will continue to expand or decline irregardless of the BLM or MDFWP efforts to manage populations and habitat.

In summary, I would like to express my feelings about the effort taken to compile the RMP. With such a large undertaking, I realize that it is difficult to please all interests represented. I personally feel that the plan which provides the best results for our community, and the nation as a whole, is to continue with current management alternatives represented by alternative A in the JVP RMP document. I feel that the BLM at the current time is doing a very acceptable job of caring for the resource, and this also supports my selection of alternative A. Thank you for the opportunity to comment on these issues.

Sincerely,

Don E. Pyrah

THREE LINKS RANCH INC.---WITHDRAWL REQUEST

T 17 N. R 22 E.
Section 29
E1/2 or NW1/4
NE1/4
Section 21
W1/2
NE1/4 of SW1/4
S1/2 of SW1/4
SW1/4 of SE1/4

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Jerry D. Hanley
138 12th AVE. S.
Lewistown, MT 59457

December 9, 1991

Bureau of Land Management
Lewistown District Office
Lewistown, MT 59457

Dear Sirs and Madams,

Enclosed please find COMMENTS & QUESTIONS - JUDITH VALLEY PHILLIPS RESOURCE MANAGEMENT PLAN DIS which sets forth my concerns and comments regarding the plan. I have also submitted my opinions and comments in March 1990, at the October 2, 1991 public hearing held in Lewistown and have spoken to BLM personnel regarding this issue.

I understand that you have been directed by Washington D. C. to initiate a management plan that will be followed for 15 years. This draft plan sets forth the BLM's initial proposal and the final plan will be modified to incorporate the general public's concerns and input into the plan. I appreciate the research, planning and writing you people have put into this draft. However, my understanding is that certain guidelines and laws have not been followed, particularly regarding constitutional rights, county rights and public hearings. I hope this will be cleared up and we, the public, will have all avenues of procedure and input towards this plan available to us.

In general I find it very frustrating that folks like me, who hold jobs and are raising families, have to find the extra time to study and respond to such a complicated document that you people were paid wages for two or three years to research and compile. This plan affects our very livelihood and living conditions. Where is our two or three years? Where is our compensation?

If you have any questions regarding my comments and questions please feel free to contact me.

Sincerely,

Jerry Hanley

enclosures

309A

COMMENTS & QUESTIONS
JUDITH VALLEY PHILLIPS
RESOURCE MANAGEMENT PLAN EIS

The following questions and comments are hereby submitted to the Bureau of Land Management, Lewistown District Office prior to the December 15, 1991 deadline.

By: Jerry Hanley Date: December 11, 1991

Jerry Hanley

Based on the multitude of unanswered and unclear issues and text contained in the draft plan, I protest any finalization or implementation of this plan other than following current management practices, and that the draft should be rewritten with the present public input and comments taken into consideration and then another discussion and comment period allowed before finalization and implementation. However, realizing that the BLM may force the plan in the preferred Alternative E on us, I have posed my questions and comments accordingly.

I will comment and put forth my questions on each of the issues in order of their importance to me.

COLLAR GULCH

My family owns land in Collar Gulch and I have been in the local mining business for 20 years; consequently I am very concerned with your Collar Gulch proposal.

Collar Gulch has been and is known for its mining history and mineral resources. Page 135, among other places, states this and also the fact that it has high to moderate mineral development potential. It is also known for the fish found in a small portion of the creek. Apparently, both have shared the gulch for some time. Now, however, the BLM has determined that the fish must be protected and limits must be put on mining, roads and water!

M-12 Is the BLM aware that there are similar, if not the same, fish in Lincoln Gulch, Chicago Gulch and upper Warm Spring Creek? This is common knowledge and can easily be proven. Will the BLM investigate these other habitats and their importance before proceeding further with the proposals in Collar Gulch? If not, why not? Specifically, who recommended the Collar Gulch ACEC and what is their background and knowledge of the gulch?

There are conflicting stories as to the source of the fish. Apparently the BLM claims they are native to the creek. Many say they were planted in the early 1940's by a Mr. Waldo Vangess, a game warden, now deceased. I recently

309B

spoke to a close friend of Mr. Vangess who tells me that there is no doubt that Vangess planted fish in Collar Creek around 1940. Waldo Vangess was a Mr. Williams, who was the manager of the local fish hatchery, planted fish in many streams in the area. The BLM has been told of this story.

M-13

Another important fact confirming this story is: it is doubtful any fish (that may have been native) would have survived the cyanide operations of the Tail Holt Mine in the late 1920's and early 1930's. Realize that in those years the strong cyanide ladened tailings and excess solutions were simply dumped over the bank, in this case about 1000 feet above Collar Creek!

M-14 Does the BLM have information that differs from the above information? Can you substantiate it? Did you check it out? If not, will you research it? If not, why not? Would it make any difference in the BLM's planning if in fact the fish are not native to the creek? Does the term "pure strain" indicate "native"? Define pure strain.

On page 89 you state that the fish - westslope cutthroat trout - are a Montana State Species of Special Concern; however Table 2.1 on page 16 does not list the fish as a species of special interest or concern. Additionally, the entire section covering threatened and endangered species on pages 123 through 130 does not mention these fish. Which is it; are the fish threatened or of special concern or not and please substantiate. See Page 89 of Montana Nature Species of Special Concern.

M-8 Is the federal government? If so, what special consideration is required? Why is an ACEC necessary, in the BLM's opinion, to protect the fish? Do you have facts that prove the proposed ACEC is necessary?

Considering the variable flow of Collar Creek and its likelihood to occasionally dry up, particularly in the area where the fish are, if a severe drought fell upon us, wouldn't the BLM be making a better investment in finding a more suitable environment to protect such fish? The plan states that drought is one of the endangering factors and of course no one has control over that condition! Why pick an area where BLM ownership is not complete (see comments below), where the creek flow is barely adequate, where mining has had precedence and has good potential now and in the future, where the local public has enjoyed motorized access for years and where the origin and classification of the fish is unclear?

M-9

Page 127 states that the Tate-Poetter Cave in Collar Gulch is a hibernation site for pregnant bats. The Table 2.1, page 16 designates big-eared bats as a species of special

M-20 concern. Do bats live in the cave? If any, how large is

309C

M-20 the bat population in the cave? If any, are these bats presently endangered, and please be specific. Only through very careful reading of the draft did I discover this bat issue. It is either not very important or is not being dealt with up front. Is this possible bat hibernation in the Tate-Poetter Cave going to be used as an issue as the fish are being used to justify the BLM's ACEC and withdrawal of Collar Gulch?

M-22 I am familiar with many caves in the Judith Mountains; however I have never heard of the Tate-Poetter Cave or any significant caves in Collar Gulch, nor has anybody I've recently asked. Where is the cave located?

M-24 Why is it not shown on any of the maps in the draft? Please show it on a map. How long is the cave? Is it a significant as compared with other caves in this part of the country? I have significant knowledge of the many caves in the Judith Mountains. These caves are accessed from underground mine workings and, in some cases, were used in conjunction with the mining. It is important to note just how competent the natural cave walls and roofs are to withstand the adjacent mining activity: blasting, ventilation, traffic, etc.). Is there any denote of mining in the Tate-Poetter Cave? Please elaborate on the cave's importance and what danger, if any, is in or could be in. Page 89 states that mining activity that could physically endanger the cave would not be allowed. Please specify what may endanger the cave and who would be able to protect it. An example would be blasting vibrations that have the potential to damage the cave. What would be the guidelines for determining the potential danger and damage from the vibrations? Is the danger did not affect the cave itself but might affect the bats (if in fact there are any) would restrictions be implemented? Would this have to be told to the public or would there be restrictions put on public use of the cave?

M-25

M-26

M-21

M-23

Page 89 states that the BLM would initiate a study and develop measures to eliminate a "source of water quality degradation in the area." What specifically is occurring? Is this discussed in the draft and if so where? Is this the phenomenon that in locality known, that is - that an unnamed tributary of Collar Creek runs red with some natural occurring iron staining, very likely from Red Mountain? If this is the case, the fish have lived with it for years. Would the BLM like to change this natural occurrance? If the degradation is caused by something else please explain its threat to the fish.

M-29

M-29

Page 89 states that the BLM would prepare an activity plan. What are the types of things the activity plan would address? Would the public have input into the activity plan?

M-4

309D

Page 89 states that the BLM would try to purchase private property in the gulch. The Hendricks and the Edward patented mining claims make up 40 acres. Patented mining claims discussed in the plan (although they are not mentioned by name). Is the Trust, for which I serve as a trustee, owns 4.6 acres of the Hendricks claim. The remaining 12 acres of the Hendricks and all 20 acres of the Edward are owned by Helen Gall of Milbaukee. This ownership information is on record in Fergus County. The Belma Hanley Trust does not intend to sell to the BLM. I recently spoke to Mr. Bob and was told what he had received a letter of inquiry from the BLM which she, "threw in the garbage and is not going to sell our property." Those acres is not for sale to the BLM. Please remove this land from the plan.

I have spoken to two separate parties owning land at the mouth of the gulch which I assume would be among the 240 acres discussed in the plan. One was interested as opposed to selling; the other said he would have to have "one hell or a good offer" to even consider selling. Please state if you have information other than what I have just reported out. Both parties thought does the BLM have in mind to pay for this type of acreage?

A-15

A-7 Why weren't we, as private land owners, officially notified prior to the release of the draft plan? We had no idea of their intention to hopefully buy our property and also of the planned ACEC which could drastically affect our property?

A-32 Why didn't the Belma Hanley Trust receive a letter from the BLM regarding their desire to purchase the Trust's land?

That portion of the Hendricks owned by the trust covers about 600 feet of Collar Creek and about the same distance of the road. That portion of the Hendricks and all of the Edward owned by Mrs. Gall covers an additional 2,400 feet of the creek and about 1,200 feet of the road. This totals 3,000 feet of Collar Creek and about 1,800 feet of the Collar Gulch road that we own with private property. When patent was issued (in 1936) I would assume that the government reserved ditches and canals right of ways but no other reservations were withheld. These facts point out that a substantial portion of the gulch and creek are on private property. This information (maps, survey notes and ownership) is on record in Fergus County and in the BLM office in Billings, Montana.

A-9 Can the BLM acquire private property, patented mining claims or other, through condemnation? If yes, will the BLM use such tactics to acquire lands. Please address and clear up this issue.

309E

M-31 Map D page 99 is difficult to read and appears to have some inaccuracies or errors in it. The Collar Gulch road, which is designated as "BLM Roads - closed" is incorrectly shown north of the two patented mining claims when, in fact, more than 1800 feet of the road is within the claims. Likewise, Map D on page 96 shows the patented claims to the south of Collar Creek when, in fact, the claims cover the creek for 2,000 feet. The mineral survey plat Map and survey notes prove this and are on record in the BLM office in Billings. I strongly object to these inaccuracies or errors and request that they be corrected. Does the BLM agree with these inaccuracies or errors? If not, then in either case would these issues be resolved before the BLM proceeds further with ACEC plans for Collar Gulch? If the answer is no, please explain how you could proceed without first resolving an issue as important as this.

M-33

A-4 Map D page 96 rightly shows the two claims as private land. The 240 acres of private land to the east is indicated as "acquisition area". Shouldn't the claims have also been shown as "acquisition area"?

M-10 To my best knowledge the fish occupy the creek within the Hendricks claim and some within BLM lands to the west of the Hendricks. Also, the creek flow goes underground for a mile on the eastern one third or so of the claim. The point being that some of the fish population, and possibly the majority, is within private property. If weather permitted I would go into the fields and confirm these facts. Unfortunately that probably can't be done until next spring or summer? Does the BLM agree with the above concept?

M-34 If so, what are their? If the above is, in fact, the case, does it change the BLM's approach or planning in Collar Gulch? How does the BLM propose to enhance the fish habitat when in fact you don't own all of the lands containing the habitat?

E-28 On page 188 it is stated that an estimated 5% of the wildlife habitat has been disturbed or destroyed by mining in the gulch. What methods or criteria did you use in the facts to substantiate the estimate? Please provide the same information on the projected 10% that may be affected by future mining.

M-32 Figure 2.13 page 81 alternative E is inaccurate. The "closed" area together with Collar Gulch does not appear to be shown in the correct position on the map. Please explain this. Does the BLM feel that the reader does not require an accurate look? Or, is this an accurate look?

M-32a On page 89 you state that the area would be closed to motorized traffic and no additional access would be pursued. Is there a map showing exactly what access would remain open

309F

M-32 or better yet, what access you plan to close? Map B on page 99 does not provide enough detail. If there isn't, will one be provided? Of course, access to the private property would remain open? Would the BLM intend placing restrictions on them? Or what access does the BLM feel it is legally entitled to on these private lands?

M-35

M-3 Please explain how the BLM arrived at the proposed 1,610 acre ACEC. Could less acres be required to accomplish the same goal?

M-36 Page 89 says that stream protection and enhancement structures would be used to protect the fish. Please elaborate - what are the enhancement structures? What types of development? What would be done to assure that the BLM's activities in the gulch did not affect the adjoining private property along the creek?

M-5 Page 89 and 90 discuss the implementation effects on mining. The paragraph "BLM would propose withdrawal of Collar Gulch Creek" is a little confusing. Does "Protective withdrawal for Collar Gulch" mean withdrawal of the entire ACEC area as shown on Map D page 96, or just the gulch proper? Please clarify.

M-6 The same paragraph says that "Validity exams would be conducted on claims when a Plan of Operation is filed." Of course this would not apply to patented claims, such as the Hendricks and Edward. Please clarify this -- such as saying "located claims" rather than just "claims".

M-7 The Tail Holt mine is on a located claim and is known to be a valid mining property. Recent work has confirmed this and I understand that the owners have supplied the BLM with information supporting this. The mine is up above from the creek and will in your proposal. On page 166 it is stated that one mine will be lost, Tail Holt?, would be foregone if alternative E is implemented. Will the BLM compensate the mine owners for their loss? If not, why not? How would the loss of one mine be justified to the local mining industry?

M-2 The Silver Bullion, a patented claim, adjoins the Tail Holt and the two would probably be developed together. Has the BLM attempted to purchase the Silver Bullion? As with the Hendricks and Edward patented claims, the BLM does not have the right to interfer with the development of the Silver Bullion - correct? I feel you are attempting to designate an ACEC in an area you do not have adequate land holdings and that has greater potential for its minerals than for the proposed ACEC.

M-1 On page 89, item 1, define "the potential for hazardous or toxic discharges." At what discretion will "potential" be determined and what qualifications will they have in making

309G

M-1 such a determination? Sound engineering practices in today's environmentally conscious world can and do dramatically reduce the "potentials" would this be taken into consideration?

M-16 Item 4, continued on page 90. Where is the low reach of the trout population? To my best knowledge it is on private property (the Hendricks). Does the BLM have other information as to the low reach? What legal right would the BLM have to restrict water withdrawal on private property? If in fact the BLM did restrict withdrawal, it would prevent landowner would the BLM supply the landowner with other water or compensate him for his losses? Does the BLM have water rights on Collar Creek? Does the BLM have records or any existing water rights on Collar Creek?

M-30

M-1 Item 6. "This completely eliminates any and all disturbing activities (acres)" Crossings. I wouldn't like to rule open to review in the Plans of Operations? What would be used to define the creek in relation to natural creek meandering? The point being that a disturbance may well be out of the 100 foot limit at the time of inception but in time meandering may put the disturbance within the 100 foot limit. Does the BLM acknowledge that it has no restriction over what is done within 100 feet of the creek on the private property? Likewise, I am aware that there are restrictions imposed by other agencies regarding disturbances in stream beds. I would like to note that Collar Gulch is a special place to me and caring for its resources is important to me, however I do not feel that more restrictions and withdrawals, as you are proposing, are necessary to protect these resources.

M-27 Item 9 should allow flexibility to allow for relocating portions of the trail if that would be the more feasible action to take. Does the BLM agree with this?

M-2 Regarding all of these restrictions on page 89 and 90, would the BLM intend to place similar restrictions on private property such as the Hendricks and Edward mining claims? If so, what legal right would the BLM have to place such restrictions on private property (keeping in mind that mining activities on private property would already fall under existing state and federal laws)?

M-10 Because the BLM has no legal rights to place restrictions on this private property why would you enact such an extensive ACEC in an area that you don't have enough land holdings to establish a proper, workable ACEC?

M-1 It is my opinion that existing rules and regulations regarding mine operating plans, water quality and reclamation would amply protect Collar Gulch, the creek, the fish, the trail and the cave. Why does the BLM prefer

309H

M-1 Alternative E which places unnecessary restrictions on mining and other multiple uses of the gulch?

E-21 Page 219 states that "Implementation (of Alternative C, D & E) could negatively affect the social well-being of the local communities by reducing potential economic activity associated with mineral exploration and development." Whereas Alternatives A & B would not have this detrimental effect. How can the BLM take such a gamble with the well-being of the local people? Would the BLM provide economic relief to the communities?

E-21 Pages 166, 205, 214, 231 and others, state that under alternatives D & E continued mining and mineral processing on ACEC would have a significant negative impact on mining and the underground mine would be foregone. Likewise, Alternative A (current management) would allow mining to continue even though unnecessary or undue degradation would still be prevented. Why would the BLM choose (alternative E) to negatively affect an industry that brings economic growth to the local communities - especially when it is stated that under alternative A "unnecessary or undue degradation would still be prevented"? Would the BLM compensate the local communities for the loss of revenue?

I-5 It is obvious that there are too many unanswered and unclear issues for this ACEC to be considered. I urge the BLM to implement alternative A and continue working with the existing laws and regulations that were enacted to protect the environment while promoting economic growth and multiple use of the lands. Keep in mind that you admit in item 1 that development can be done while undue degradation is still prevented.

T-8 SOUTH MOCCASIN-JUDITH MOUNTAINS SCENIC AREA
Figure 2.1 page 23 indicates a great deal of lands, public and private, existing into the Scenic ACEC's. Does the BLM intend on implementing more scenic ACEC's in Fergus County? In the Judith Mountains? In the near future? This designation which includes private lands has essentially eliminated the land from its basic value for the future whether intentional or not. This earmarking could detrimentally affect the future sale, development or use of the land by the private land owner. Why was private land designated for its visual resources in a plan that was only to designate BLM lands?

J-21 On page 21 it states that this area was chosen because it is relatively visually undisturbed. What is this relative to? This viewshed already has surface disturbances within it (logging, Old Mahoney open cut, burned area, new transmission tower north of Lewistown, surface mining in North Moccasin Mountains). How can these be ignored by the

309I

J-21 Casual observer or by the BLM in proposing this as an undisturbed viewshed?

Define the casual observer? The naked eye (casual?) may not be able to detect a certain disturbance from Highways 87 or 91 or Lewistown, while on the other hand a trained observer or someone wanting to find a problem may see the disturbance. What will constitute a disturbance that will "attract the attention of the casual observer" (page 2)?? Exactly where will the view point limit be, Main Street hill in Lewistown, overpass by the Bijou theater, the highway by Moore, etc.? What qualifications will the person or persons making these decisions have? These are important questions; please be specific.

J-23

Page 57 says that "camouflaging facilities and equipment would be required where they cannot be placed out of view." What are the exact requirements when one considers camouflaging, for example, lines, poles, buildings, tents, a pickup or car, mine portals, mine railroads, waste dumps, prior to reclamation, portable equipment, bulldozers and heavy equipment, drill rigs, logging equipment, etc.? Please be specific as to the various types of items might be, and to what degree, camouflaged. Who will determine what needs to be camouflaged? Also consider the preceeding paragraph when responding.

J-13

Page 57 says that access, facilities and equipment may be screened from view by using the natural terrain. Does this imply hidden from view or none of a best effort to protect the view? Also consider the two preceeding paragraphs when responding.

J-14

I would like to point out that open-pit mines in the Moccasin and Judith Mountains (Kendall, Giltedge and the smaller cuts and pits around the larger Underground mines) are at an elevation around 4,700 to 5,100 feet. The skyline with the viewshed is well above this elevation (Burnette peak - 6,054, New Year Peak - 6,092, Parsnip Peak - 5,960). The point being that mining is more likely to be nearer the base of the mountains rather than high up and therefore not nearly as detrimental to the observer. It is it likely that the skyline view would be effected. Have these facts been considered in the draft plan?

J-15

With the above in mind please address the following. In, in fact, this proposed ACEC designation intended to prevent a large open pit mine that would permanently change the skyline view of the mountains? Is it also intended to prevent smaller open-pit operations or underground mining that can be reclaimed to nearly the original, natural appearance? On page 108, 191 and 231 among others, it states that Alternative E "would effectively prohibit open-pit mining development in portions of the scenic area."

J-6

309J

However page 105 states that "Management prescriptions in the scenic area would effectively prohibit developing hardrock resources by open-pit methods." Please specify what nature or an open-pit and in what portions of the area mining would be prohibited. Such general statements leave too much room for conflicts and problems and should be clarified beforehand. It is also stated on page 105 that under Alternative A (current management) mining would be allowed but would still "have to avoid unnecessary degradation of the visual resources. Why then does the BLM feel not necessary to designate the area an ACEC (alternative E)?

J-6

J-7

On page 191 you say that mining could negatively impact a projected cultural property eligible for NRHP. The next sentence says some of these "properties". What is it, a single property or are there more than one? Also and what is this property? How does it negatively impact it? To what degree could mining "create residual impacts to these resources"? Who made this determination and what are their qualifications? Why is this information not in the draft plan?

U-1

Page 195 states that under Alternative A a negative impact to sightseeing and hiking in the mountains could result from mining. In my 20 years of mining I've found that all over the country folks enjoy sightseeing and touring mines. The Kendall Mine has a full schedule of tours during the summer months. Many other mines I've worked at were the same way. That opportunity would be taken away from the public in Alternative E prevented a mine from developing. As to hiking, where do the majority of people hike? I think you would agree that it's within easy walking distance of their car or camp. You're not going to have many people who can't drive or camp near the hiking area. What driving and camping access would be provided in the Scenic ACEC? Please be more specific as to what a "negative impact to sightseeing and hiking" would be.

J-28

Page 198, 224 and 231 states that scenic qualities would deteriorate from among other things, mining claim location. How does claim location affect the view from 5 or 10 miles away? Claim location usually entails blazing and tagging 5 trees or putting up 5 small posts per claim. Then a small excavation is required. Hardly an eye sore! Does the BLM intend to put restrictions on claim location in the Scenic ACEC under Alternative E? If it is not intended to stop claim location would this statement put in the plan? Does the BLM intend on withdrawing the area from mineral entry?

J-28

J-16

Page 219, among others, admits that under Alternative E, Fergus County could lose economic well-being because or mines not being explored or developed. You go on to say

309K

that some money has come in from increased recreational use but may not offset the loss from the foregone mining. Mining has proven to provide substantial economic benefit to Fergus County over 100 years. How can the BLM justify taking this potential benefit away from the county by effectively eliminating mining for increased recreation use." That seems to be a big gamble you're willing to take with our well-being and economy! Please be more specific about the "increasing economic activity" that may result from increased recreation use. How much money? How much taxes paid to the county? How many new jobs?

E-21

Page 218 says that under current management tactics (alternative A) the social well-being of the recreationist would diminish if his needs are not met. What does diminish indicate? Will he lose money, home, job, etc.? What exactly, are his "needs"? What will cause him to lose "recreation quality"? Specifically, what facts are there that indicate the recreationist is lacking recreational quality in the proposed action (alternative E) alternative C, D or E you admit a possible significant reduction (by restricting mining) in economic activity causing a decrease in social well-being to the local communities. How can the BLM justify such a gamble with the well-being of the local citizens? Please respond!

J-33

J-24

In various places you use the term "visual contrast rating requirements" please define this term.

J-25

Would this area (4,566 acres) be closed to ORV thru this designation or only if alternative C, D or E is chosen in the Dry Road Vehicle issue?

J-17

What would be done to existing disturbances or activities already in progress, in the proposed ACEC if there are any such activities? To the BLM's knowledge, is there any such activity presently going on?

J-12

The map on page 94 shows private lands within and bordering the proposed Scenic ACEC. In the Judith Mountains, there are two such areas of private property within the proposed ACEC. One is in Ruby Gulch which is about 3 miles wide; another in Limestone is about 2 miles wide. In the South Moccasins a similar area is over 6 miles wide! Unfortunately, this map nor any others in the plan, show the topography or mountains. Consequently, the reader cannot correlate the proposed ACEC to the country. Please provide accurate maps! Please provide a topo map!

J-30

J-11

Public comment has shown that the private land owners are unwilling to sell lands to add to these scenic ACECs. Have any of the effected landowners agreed to sell lands needed in the ACEC? Please explain how the BLM can justify

309L

Limiting multiple use and initiate a Scenic ACEC and increase the cost or management of 4,566 acres when any number of private land owners could make whatever surface disturbance he wants on his land and therefore disturb the view and consequently the purpose of the ACEC on the adjoining BLM land? Wouldn't this negate the purpose of the Scenic ACEC? What protection does the BLM have over this potential problem?

E-22

It becomes apparent that particularly in the South Moccasin Mountains there is too much private land to even consider the proposed ACEC. If you feel otherwise, please provide data that would substantiate it.

I urge the BLM to implement Alternative A and continue working within the existing laws and regulations that were enacted to protect the environment while allowing economic growth and multiple use of the land. Keep in mind that you admit in the plan that development can be done while still preventing undue degradation.

HARDROCK MINING

The BLM has control (through Notice Review or Plans of Operations) on mineral exploration, development and production. Additionally, the state and federal government have controls over such activities. Why then does this plan propose additional restrictions and withdrawals? Can or cannot the BLM manage mining activity by using the current management tactics? If they cannot, why not?

E-21

Withdrawing 4,205 acres from mineral entry would have a detrimental economic effect on the communities and counties through the loss of jobs, tax revenue and monies spent by the mining companies. This would be a stated many times throughout the draft plan. How can the BLM justify the potential of lost jobs and revenue from such withdrawals? Would the BLM make up such lost revenues to the affected areas? How can the BLM even consider such a plan that could result in economic hardship to the local population?

E-23

Regarding Appendix C - Hardrock Mineral Resources, pages 313 through 332. This section, while containing much accurate and good information, needs updating. This should be updated to reflect current operations, production, taxes paid, employment, etc. The Kendall Mine alone will produce over $20 million in gold this year. This dollar amount will have a positive economic impact far beyond the projections for the draft plan!

Y-6

Mining is considered to be one of the many multiple uses of public lands. Alternative A allows such multiple use to continue while the preferred Alternative C restricts and in some cases eliminates mining. Is the BLM required to provide multiple use on public lands?

309M

I urge the BLM to implement Alternative A and continue working within the existing laws and regulations that were enacted to protect the environment while allowing economic growth, mining and other multiple use of the land.

ELK AND BIGHORN SHEEP HABITAT MANAGEMENT
Land owners are already troubled by elk populations. These animals are costing land owners money and time through crop and fence damage. BLM lure crops do not seem to work. In many cases the elk get feed and water on private land. In light of these existing problems how would the BLM propose to cope with increasing problems in increasing herd sizes? Will the BLM assist the private sector financially in correcting these problems or will the BLM or other agencies determined that increasing herd size is imperative for herd well-being or survival? If so, where are the facts to support this?

G-1

Alternative E proposes an increase of 66,160 acres over Alternative A for elk habitat. Where would these acres come from? Do these additional acres have grazing rights? Alternative A calls for expansion only where forage is available. It appears that Alternative E would expand habitat regardless of whether or not proper forage is available. Would the private sector be expected to provide the forage? If not where would it come from and who would pay for it? These same comments and questions hold true for bighorn sheep habitat.

G-2

On page 84 under management prescriptions seasonal restrictions would be placed on mineral exploration work in elk and sheep habitats. In my 20 years of mining I've never seen wildlife unnecessarily disrupted because of the activity. At whos discretion would these restrictions be decided? What are crucial wildlife periods? Under no. 5, what constitutes a habitat loss? What is the limit as to how far away and in what natural condition a comparable site might be established?

G-8

Would the BLM require additional monies, management and employees to manage this issue? Alternative E is compared to Alternative A or B? If so, how can the BLM justify this increase and where will this additional funding come from? I recommend Alternative B.

G-19

ACCESS TO PUBLIC LAND
Does the 71,793 acres needing new access and the 1,126,858 needing additional access fall within the scope of this 1991 draft plan or does it consider access needs for plans and projects beyond this plan?

G-20

Many land owners do not want access across their land onto public lands; might they be forced into giving up such access? Can condemnation be used to acquire these accesses?

G-21

309O

Where would the BLM get the money to purchase and manage these proposed additional lands? Would this require additional BLM management and employees? How would these additional people be paid for?

Y-16

OIL AND GAS LEASING AND DEVELOPMENT
This issue is confusing as presented. Due to a lack of time I have not completely studied this issue and therefore have no comment.

RIPARIAN AND WETLAND MANAGEMENT OF WATERSHEDS
I have not had adequate time to study this issue and therefore have little comment.

F-19

Would the BLM honor private land owners rights while implementing this issue?

Y-16

Would the BLM require additional monies, management and employees to manage this issue? If so, how can this be compared to Alternative A? If so, where will this additional funding come from?

PRAIRIE DOG AND BLACK-FOOTED FERRET MANAGEMENT
I have not had adequate time to study this issue and therefore have little comment.

H-1

Would the BLM honor private land owners rights while implementing this issue?

Y-16

Would the BLM require additional monies, management and employees to manage this issue? If so, how can this be justified and where will this additional funding come from?

N-4

CAVE
Is the cave a bat hibernaculum? If any, what type of bats and what size bat population uses the cave at present?

I have not had time to study this issue in full and therefore limit my comment.

I recommend Alternative A be implemented.

ACID SHALE-PINE FOREST
I have not had time to study this issue in full. I recommend Alternative A.

SQUARE BUTTE DNA
I have not had time to fully study this issue. I recommend Alternative A or E.

BIG BEND OF THE MILK RIVER
I have not had time to study this issue and therefore have no comment.

309N

If so, will condemnation be used to acquire access now or in the future?

B-3

Where would the money come from to purchase additional access? Would this require additional BLM management and employees? How would these additional people be paid for?

B-2

I recommend that Alternative A be implemented as it does not require excessive expenditures of BLM money to acquire new access. It allows for managing multiple use access and allows for seeking reasonable additional access.

OFF-ROAD VEHICLES
Figure 2.13 page 81 alternative E is inaccurate. The "closed" area signifing Collar Gulch does not appear to be shown in the correct position on the map. The "limited yearling" area encompasses the entire mountains, nearby foothills and plains, including private and public roads. Please explain this. Does the BLM feel that the reader does not require an accurate look? Or, is this an accurate look?

M-32

Map 8 page 99 is difficult to read. It shows a "BLM Roads - open" south east of Haiden that is on private property and not open to the public. The Collar Gulch road, which is designated as "BLM Roads - closed" is incorrectly shown north of the two privately owned patented mining claims in the gulch, when in fact, more than 1500 feet of the road is within the claims. I strongly object to these inaccuracies or errors and request that they be corrected. I hope others have scrutinized these maps closely in areas that affect them!

M-31

The map on page 81 shows limited yearlong designation in the North Moccasins but I can not find any text regarding this area. Why?

C-20

LAND ACQUISITION AND DISPOSAL
Does the 431,719 acres meeting acquisition criteria just apply to those acreages needing Alternative E or will this issue is implemented? Or does the 431,719 acres include plans beyond the scope of this plan?

A-52

Can condemnation be used to acquire the types of lands discussed in the draft? Will condemnation be used to acquire such lands?

A-9

Page 232 states that under Alternative E there will be an economic loss in the livestock industry and tax revenues would decrease. Can the public be assured that there will be no lost tax revenue or PILT payments if the proposed acquisition and disposal take place? If so what exactly will the loss be to the counties? If there is a loss in revenues to the counties, how can the BLM justify such an action in times of poor economic conditions?

A-11

309P

My name is Jerry Hanley and I was born and raised in the Lewistown and Maiden areas. My heritage is from a mining background and I intend to preserve that heritage and those opportunities for my children and their children and others like me. I have been in the mining business for 20 years.

I have reviewed the BLMs draft Judith Valley Phillips Resource Management Plan EIS dated July 1991. This is a rather lengthly-complicated document and takes a great deal of time and patience to study. It is unfortunate that these types of things are primarily directed to the private citizen are nearly beyond his reach. I know that you BLM folks have been given a job to do and must make your best effort. I hope you listen to the general public and not the overpowering cry of those or out of state anti development special interest groups.

Although I am concerned with all nine issues presented in the draft EIS I have particular concern with three. Those are 1) Hardrock mining 2) the South Moccasin - Judith Mountain Senic area and 3) the Collar Gulch.

As anyone who has reviewed the eis knows each issue has 5 alternative management plans presented for consideration for selection. The blm has chosen their preferred alternative. In each case that is alternative E. To me, E stands for ELIMINATE development opportunities!

In the Handrock mining issue the EIS proposes to change the present management. The proposed bln choice would place more restrictions on mineral development and would withdraw 6,205 acres. I also understand it to mean that the BLM, at their discretion, could withdraw more acres in the future and place other restraints on industry. This type of management would only act to suppress the natural resource industries. This fact is stated over and over in the EIS. We cant afford that type of land management.

Alternative B would allow development of hardrock mining projects by complying with existing federal, state and local regulations and requirements. Only 330 acres would be withdrawn from mineral entry and the Judith Peak/Red Mt mineral withdrawn areas would be lifted and the suspended claims would be returned to their owners. I urge this type of management.

Issue 2 - The South Moccasin - Judith Mt Scenic Area. This area has apparently been chosen as a ACEC because in someone's view it is visually undisturbed and it contains a large block of public lands. What this amounts to is that the view of the South Moccasin and the Judith Mts from the Lewistown area and the highways leading to Lewistown would remain unchanged. The EIS proposes that, quote "this area would be managed to protect the visual resources from

309Q

surface disturbing activities". This type of management would mean the end of timber and mining developments and many possible recreation developments in that area. On page 332 you recognize that "the general nature of the restrictions could and probably would make some mining projects unfeasible". You state that 10 exploration projects and 2 potential surface mines could be forgone in the South Moccasin - Judith Mt Scenic area. Page 231 states that "This would have an unavoidable adverse impact on some hardrock mineral development opportunities". On page 213 it is stated that positive economic effects and tax revenue to Fergus County would be lost but that maybe some revenues would be regained by recreational use of the area. You go on to say that you dont know how the recreational use income would compare to the resource development income. I can assure you that the resource development income would far outweigh the tourism and recreational income. After all it would be a "look but don't touch" management. How much

J-10 money can be spent by someone viewing an ACEC? How would you propose to keep out all the private lands adjoining and surrounding these public protected lands? How would you remove the present view of the old mansion open out on the end of the South Moccasins or the view of the surface mining activities in the North Moccasins or the new

J-11 transmission tower located between town and Limekiln Canyon or the logged off area on the southwest foothills of the Judiths, or the logged areas on the east side of the South Moccasins? These are part of the view — they are there! This view doesn't seem to bother the folks that live here. This is not a wilderness areamnot even close. Lets not try and make it a poor excuse of one.

Are we trying to save the view for a city dweller who passes through on his vacation and wants an unpolemished view of Montana. Let them take care of there own backyard before they start messing with ours.

Through all this I realized that we all have a right and obligation to use our environment to exist. We may not like what our neighbor does or how it looks, but if he is within the law and the norm we must respect his rights and opportunities.

We live here — we look but we also need to touch to make a living and to contribute to the communities.

Issue 8 is Collar Gulch. The EIS proposes to designate this as an ACEC. I understand there to be 3 factors involved. They are 1. the Tate Poetter cave 2. The existing BLM Collar Gulch Trail and 3. the fish inhabiting Collar Creek.

I have never been to the Tate Potter cave but do know of many caves in the Judiths. Most of these are accessible from underground mine workings and are quite impressive. Caves are quite common in our local limestone formations. I look forward to investigating the Tate Poetter cave — I only hope that by the time I get there that it isn't secured with a government padlock.

The Collar Gulch Trail is a nice trail and I compliment the BLM on it. It is a simple trail and can easily be relocated if it conflicted with some type of development, or the development could possibly work around the trail. Isn't it funny how we can walk the trail past old mine workings, ruins, old tin can dumps and other reminders of the past and say "gee thats neat—get the camera" but yet a newer operating mine or development is supposed to be an eye sore and undesirable?

The fish are a westslope cutthroat trout and are classified as a "Montana State Species of Special Concern" they are not an endangered species. I say you are sitting in front of a room full of Montana State Species of Special Concern. As the working men and women of this country we are an endangered species because of proposals like this EIS.

M-1 Getting back to the fish. To my best knowledge the fish were planted in the creek in the 1940s. Collar Creek is protected by our states stringent water quality and nondegradation policies. Why then do we need more restraints?

The BLM has proposed to designate 1,619 acres as ACEC - withdraw the area from mineral entry - probably suspend existing mining claims (Iam not clear on this) limit motorized vehicle use and attempt to purchase privately owned lands in the gulch. On page 231 of the EIS you state that "withdrawing the Collar Gulch ACEC would have a unavoidable adverse impact on hardrock mineral development opportunities". On page 138 high mineral potential and productive forest lands are acknowledged within the gulch and your proposed ACEC.

The Tail Holt mine, located on the south west slope of Collar Gulch was developed by my grandfather, Mr George Wiegleneb, in the late 20's and early 30's. My family maintained the claim for years until it was acquired by others and worked. A group of local men are presently trying to explore the mine and have shown that it has the potential for becoming a producing property. One of these men could not be present at this hearing because he had to leave town to ring work. Your proposal spells an end to the mine and you admit that in the EIS. There has been other exploration activities in the area. There are numerous old mines and prospects in the gulch and along its flanks. IT IS MINERAL COUNTRY! Realize that much of the gulch has more

309S

silver than gold potential and with the suppressed silver prices exploration activity is at a low.

You propose to purchase 40 acres of patented mining claims in the gulch. Maybe I can save you some time and effort right now by telling you that I and my family own a portion of that ground and have no intentions of selling this mining property. The fish are more than welcome to stay, we like them! I have every intention of investigating the mineral deposit on this property and if feasible will develop and mine it. I will fight to prevent the BLM from taking this opportunity away from me or my children or their children.

The mangement of Collar Gulch should remain as it is. Again, this is not wilderness country and lets not try and make it such!

In closing I would point to page 148 of the draft EIS which save that economic and related problems were cited by residents as the major problem facing Lewistown. Specific concerns include poor economy and the lack of jobs and the youth leaving the area because of the lack of opportunities. Problems with funding schools, roads, water and special services were also cited. Last but not least is the concern of how to keep business from leaving the community. Nowhere in the EIS could I find any public statements requesting BLM management tactics that would stand in the way of development opportunities.

I am knowledgeable and well aware of the positive economic and social impacts mining projects have brought to this area for over 100 years. (This is not to ignore the timber E-11 industry). In the last 4 years about 20 million dollars have been invested in some of our underground operations. I am not going to present detailed data here but hope that others attending this hearing will. I can assure you that we are talking big money and jobs that stay right in this community.

E-21 It is in black and white - specifically on page 218 and 219 - that the BLMs preferred proposals presented in this draft EIS could diminish potential economic and social support for this small community. How can such a proposal even be considered?

Please don't attempt to take away our need, hopes and rights to better ourselves and our families in our own environment and community.

THANK YOU

BY: Jerry Hanley
October 1991
Presented at BLM Hearing

309R

310

DRAFT
Judith
Valley
Phillips

COMMENT FORM

Resource Management Plan

(Please Print) Name	Address	Date
Jan Kluck	HC 68 Box 1140 Moltz, MT	Dec 6 1991

I am not intent in any land leg in the R.M.P.

Dan Kluck

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Edward Gray	2nd Erie Lewistown MT	12-11-91

Before the of R.M.P. was started some of the landowners should have been contacted to get an idea of what they thought of the plan.

A-9 One thing that should be stated in the final draft, no land shall be acquired without the consent of the landowner. BLM should consider selling small pieces of land to private land owners in the area. This should keep the large areas of Public land for hunting & recreation. Mining should be allowed on Public land with set guidelines to protect the environment. The grazing fees on Public land should be raised to compare with what ranchers have to pay private landowners.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

313 #313

VERNON TAYLOR, JR.
1670 DENVER CLUB BUILDING
DENVER, COLORADO
80202

December 12, 1991

VIA FEDERAL EXPRESS

B. Gene Miller
Acting District Maneger
U.S. Department of the Interior
Bureau of Land Management
Lewistown District Office
Airport Road
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

As a follow-up to my letter of November 1, 1991 to you regarding the Judith Valley Phillips Resource Management Plan and Environmental Impact Statement, I herewith declare that I do not wish to have the BLM take over land, as specified below, which is associated with my ranch, The Box Elder. The following list identifies that land as:

Township 17 North Range 20 East
Section 10 - E½ SW¼ and SE¼
Section 11 - W½ SW¼ and SE¼ SW¼
Section 15 - N½
Section 12 - S½ SW¼
Section 13 - NW¼ and NE¼ SW¼

Thank you for your attention to this request.

Sincerely,

Vernon Taylor, Jr.

Dictated by Mr. Teylor
Signed in his absence

Enc

Attachments are available for review in the Lewistown District Office.

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Montana Ranch PRODUCTS
Gilt Edge Route • Lewistown, MT 59457
(406) 428-2322

Molly Deschcemaeker   HC 85 Box 4270   Dec. 12, 1991
Lewistown, MT 59457

My comments on the Judith Valley Phillips Resource Management Plan are based on 30 plus years as a rancher, reading the plan and attending three of the meetings and the hearing in Lewistown. In all of the meetings that I attended the comments of the crowd and the testamony at the hearing were that the preferred Alternativa "E" would have a negative impact on our local economy and the culture of our communities. I never heard any discussion supporting the "preferred " Alternative.

1. Land Acquisition and Disposal--I agree that disposal of isolated BLM lands would improve BLM grazing administration efficiency. Instead of land acquisition, perhaps the funds from disposal should go toward lowering the National Debt. No private land should be identified for acquisition in the final plan.

2. Access--Most land owners have very little problem with access to BLM lands or their private property for that matter, if the public is willing to walk and pick up their garbage and take it home. I oppose additional vechicular access.

3. Off Road Vehicles--ORV use is the surest way to damage soils, water shed, vegetation, and wildlife habitat. Tremendous care must be used in designating areas for ORV use. I prefer Alt. D.

4. Hard Rock Mining--I prefer Alternative A.

5. Prairie Dog-Black Footed Ferret--My question on this idea is "How much government money will eventually be spent to reintroduce the Ferret?" I prefer Alt. A.

H-7 6. I believe there should be no net gain in habitat for Elk and I oppose the use of lure crops. I would support adequate habitat for Big Horn Sheep except in areas that would have a negative impact on hardrock mining.

7. Scenic Area ACEC--The Lewistown viewshed should be planned by the county commissioners and BLM should manage in harmony with their plan.

R-1 8. Riparian and Wetlands--My biggest concern here is the weed issue. In all BLM Plans the problem of noxious weeds must be addressed and efforts increased to control or eradicate noxious weeds on BLM lands. Work with adjacent land owners and county weed control boards.

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Larry Deschcemacker	HC 85 Box 4270 Lewistown, MT. 59457	12/12/91

I support sensible multiple use of BLM lands that is in harmony with the local culture and economy.

1. Land acquisition and Disposal - Willing buyer willing seller concept. I ask that no private land be specifically identified for acquisition in the final draft. I support disposal of isolated tracts of BLM land.

2. Access - Alt. "E"

3. Off road vehicle - alt "D" with language allowing special requests

4. Hardrock mining - alt "A"

5. Prairie dog - ferret - alt "A"

6. Elk - support no net gain in habitat. I oppose the use of lure crops. - Big Horn Sheep - I support adequate habitat except in areas that would have a negative impact on hardrock minerals.

7. Viewshed - Lewistown viewshed should be planned by the county commissioners. BLM should manage in harmony with their plan.

8. Riparian - alt "A"

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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December 12, 1991

Draft Resource Management Plan/EIS
Judith-Valley-Phillips Resource Areas

Mr. Jerry Majerus, Team Leader
Lewistown District Office
Bureau of Land Management
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Majerus:

Texaco Exploration and Production Inc. ("Texaco") has reviewed the draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement. We offer the following comments:

- In order of priority, Texaco prefers proposed Alternatives B, A or E. Alternative B has the least amount of restrictions on oil and gas activities, yet adequately addresses environmental issues. Alternative E, though more restrictive, appears to have reached a reasonably balanced approach to land use management.

D-10 Generally we agree with your assessment of oil and gas potential in the area, though geologic relationships in the Blood Creek syncline and northeastern Fergus County might support a high potential rating.

- We are opposed to habitat expansion in areas north of Winifred, around Cat Creek and along Judith Mountains, all areas identified as having high oil and gas potential. The BLM should consider reducing the habitat size to minimize conflicts between oil and gas and wildlife interests.

- BLM has stated that many of the private lands targeted for acquisition have moderate to high oil and gas potential with the only negative impact of such acquisition being additional administrative problems.

A-33 We believe oil and gas development activities would be significantly impacted if private lands were converted to federal lands. The increased procedural requirements and possible appeals will almost certainly cause delays in permitting and increase the cost of doing business for operators in the area.

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Manager
Lewistown District Office
Bureau of Land Management
Lewistown, MT 59457

Box 3117
Lewistown, MT 59457
December 13, 1991

Dear BLM District Manager:

On behalf of Phillips Cattle Co. as its President and majority stockholder it is my desire to have deleted all properties deeded or leased including but not limited to mineral, water and surface rights to Phillips Cattle Co. and Kendall Ditch Co. for the purpose of any BLM Resource Management Plan, Environmental Impact Study, Land Classification Map, ACEC, etc. Such deleted properties include but are not limited to Sections 13, 23, 24, 25 in Township 17N, Range 17E, Sections 3, 9, 10, 19 of T17N, R18E, Sections 1, 12 of T16N, R17E. all in Fergus Co, MT.

I have received one notification regarding land exchange possibilities and no follow up actions. I wish to not be included for consideration at this time in any EIM or land exchange, although I believe land exchange is a positive and worthwhile attempt to create opportunities for both private property owners and the general public as well. As long as there will be no public condemnation of private property. It is my strong belief that private property ownership rights should supercede governmental rights and wishes as stated as such in the U.S. Constitution. This country became strong because of established and respected rights of individuals. Land swaps among willing parties is a constructive. But to those areas that are not accessible publically, it is not the obligation or responsibility of private owners to provide or insure access. There is a lot more to take than to gain for private owners forced to give/exchange.

I oppose elk management type programs such as in the South Moccasin Mountains Regulation is generally forced on land owners in the area by outside forces that don't have to contend with the problems caused by the policies they make. There is not enough consideration or compensation to land owners included by indirect control. In the South Moccasin Mtns. there were no elk there until the last 7 years or so. I've lived there and went to there since 1957 and I know. Now that they are there, somebody wants to have a program to maintain them. I have no elk on my property in the North Moccasins and feel we should include a program to assure it stays that way.

The smallest issue of the Lewistown view of the South Moccasin Mountains Regulation is a non-issue in my opinion. I don't feel anybody has any business telling some other person how to run his business or what he can or can not do with it, as long as it doesn't deliberately damage others or harm the environment. If the South Moccasin Mtns. were timbered or mined it should be at the sole discretion of the right holder. It should not be a factor to protect a landowner's wishes over and above an individuals vested rights. People are part of the environment too and those people most directly affected by the local ecosystem should have the most consideration to determine what goes on there.

Historically the BLM and the agricultural community have had many opportunities regarding relationship. It is my hope that the relationship may continue for the benefit of both parties.

Sincerely,
Phillips Cattle Co.
James E. Phillips, Pres.

316A

Mr. Jerry Majerus
December 12, 1991
Page Two

D-11 On page 16 it is stated that oil and gas leasing and development would have no impact to the social well-being of the area. We challenge this assumption. If 50 new wells are drilled each year, oil and gas activity should have a significant beneficial impact on the local economy and social well-being of the residents.

- BLM appears to have substantially increased the number of acres subject to special lease stipulations (Controlled Surface Use Stipulation), primarily to protect Visual Resource Management (VRM) Classes. We believe that many of these areas could be adequately managed with standard lease stipulations. Use of special stipulations should be limited to cases where the standard stipulation proves to be inadequate.

- The following errors or omissions should be addressed:

D-12
1. P. iv - Alternative C - Oil and gas leasing and development does not match the text on P. 96.
2. P. 94 - There are no township or ranges on this map.
3. P. 96 - Townships are reversed.
4. P. 98 - Outlines of ACEC's are missing.

Texaco appreciates the opportunity to comment. Please contact Mr. T. M. Belton if you need further information.

Very truly yours,

TEXACO EXPLORATION AND PRODUCTION INC.

E. C. Burritt
Rockies Area Manager

TMB

bcc: KOS
RRO-DDU

317A

Manager
Lewistown District Office
Bureau of Land Management
Lewistown, MT 59457

Box 3117
Lewistown, MT 59457
December 13, 1991

Dear BLM District Manager:

On behalf of Phillips Cattle Co. as its President and majority stockholder it is my desire to delete all properties deeded or leased including but not limited to mineral, water and surface rights to Phillips Cattle Co. and Kendall Ditch Co. for the purpose of any BLM RMP, EIS, Land Classification map or study, ACEC, etc. Such deleted properties include but are not limited to Sections 13, 23, 24, 25 in Township 17N, Range 17E, Sections 3, 9, 10, 19 of T17N, R18E, Sections 1, 12 of T16N, R17E. all in Fergus Co.

I did not receive any notification or request to be included in such activities of the BLM or any other public or private entity. It is only prudent and courteous protocol that private interests be informed of activities by the government that directly concern the private party. Please remove my property from such activities. Thank You.

Sincerely,
Phillips Cattle Co.
James E. Phillips, Pres.

318 Grain

Phone 170-538-3573

Spring Creek Colony

Spring Creek Hutterian Society

P.O. Box 318

Lewistown, Montana 59457

December 13, 1991

B. Gene Miller
Bureau of Land Management
Lewistown District Office
P. O. Box 1160
Lewistown, MT 59457-1160

RE: Your Letter of October 18, 1991
JVP 1416.08

Dear Mr. Miller:

In your letter of October 18, a copy of which is enclosed, you stated that if we at the Spring Creek Colony chose not to participate in a BLM land exchange that our lands would be removed from the map and table dealing with acquisition and disposal in the final RMP/EIS, provided you were notified by December 15, 1991.

This letter is to notify you that we do not wish to participate in any BLM land exchange. Accordingly, please take all appropriate steps to remove our lands from your maps and tables dealing with this in the final RMP/EIS.

You also stated in your letter that BLM has identified lands for disposal in the future. We currently lease four small tracts of BLM land that you have identified as meeting the disposal criteri. We would be very much interested in purcheeing these properties in the event they are ever offered for sale. These properties are described as follows:

T 16 N, R 17 E, P Mer. Montana
Section 6: Lots 1, 2, 4
Section 8: NE¼NE¼

T 17 N, R 17 E, PMM
Section 32: NE¼NE¼

All in the County of Fergus
Total area: 199.57 acres

Please contact us if these properties are ever offered for sale.

Sincerely,

Rev. Paul Walter

Attachments are available for review in the Lewistown District Office.

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December 13, 1991

Bureau of Land Management Office

TO WHOM IT MAY CONCERN:

This is our request that your agency please remove any property under Samuel K. and Charles A. Phillips or under Samuel K. Phillips and Sons as a possible consideration for any future BLM land transfer or land acquisition programs.

I would also like to take this opportunity to say that Gene Miller, and others in the office, have been very helpful in all our dealings with your agency. Whenever we had questions or concerns, he was always very accomodating.

If you have any questions, please feel free to contact me at work 538-7471 or at home 538-5773.

Sincerely,

Michael S. Phillips
For Samuel K. Phillips

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FERGUS COUNTY

STATE OF MONTANA
Lewistown, Montana 59457

December 13, 1991

B. Gene Miller, Asst. District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, Montana 59457

RE: Judith Valley Phillips Resource Management Plan and Environmental Impact Statement.

Dear Mr. Miller:

We have been approached by numerous citizens in regard to the Judith Valley Phillips RMP/EIS. These persons have expressed an interest in local participation in the development of the final version of the RMP/EIS. We have informed these concerned citizens of your expressed willingness to work with Fergus County and its people to resolve whatever issues may arise. We certainly appreciate your recognition of the importance of meaningful public participation, despite the fact that the formal comment period expires on December 15th.

On behalf of our constituents, we intend to pursue development of a local Land Use Plan. In this manner, the people of Fergus County can be assured that their interest will be addressed by the Bureau of Land Management as the final document takes shape.

We are aware of the stated goals in the Code of Federal Regulations, which direct consistency between local land use plans and BLM resource management plans. We recognize the importance of this concept, as do you, and look forward to working with you as we represent the interests and people of Fergus County.

As we become involved in the local land use planning process, we will maintain close contact with you and your staff to assure that issues and concerns of our citizens are brought to your attention.

Sincerely,

FERGUS COUNTY COMMISSIONERS

Norman Haggin

Lloyd E. Mallon

321

PHILLIPS COUNTY LIVESTOCK ASSOC.
P.O. BOX 159
MALTA, MONTANA 59538

DECEMBER 12, 1991

B. GENE MILLER, DISTRICT MANAGER
BUREAU OF LAND MANAGEMENT
P.O. BOX 1160
LEWISTOWN, MONTANA 59457

Dear Mr. Miller:

The Phillips County Livestock Association would like to respond to several areas of concern in the Judith-Valley-Phillips RMP. Our Association is made up of rancher and businessman in the Phillips County Area. We have a membership of 143.

On the Off Road Vehicle issue, we feel that there should be no block response to this issue. Each allotment has a different situation and therefore the use of ORV for game retrieval should be left up to the individual BLM permitee. There is a large population of wild goat in the affected area, and the limiting of ORV for game retrieval will be detrimental to both the sportsman and the permitee.

In regard to your proposal on Elk and Big Horn Sheep management, we are opposed to any alternative that will reduce A.U.M.'s on public lands. In polling our neighbors, no one is in favor of increasing the elk herd. They feel that there is already plenty of elk damage in the affected areas. Some of the lands that you have identified for acquisition for elk and sheep habitat management are part of ranches. Most ranchers would not be willing to sell parts of their ranches. It is stated in the Alternative E section on Land Acquisition page 86, that forage on newly acquired lands would be allocated primarily to elk and big horn sheep. This would eliminate some A.U.M.'s that are now used for livestock. We believe in the multiple use concept. We are opposed to single use acquisition by the B.L.M..

In the planning area analysis on Land Acquisition and Disposal, the comments suggest that the economic conditions of the Malta and Phillips resource area are of utmost concern. Most of what we read in this plan reguiites this concern. The proposal to dispose of 166,021 acres of which 80,089 acres could and probably would be farmed, seems counter-productive considering the current farm policy. The preferred alterna-tive would acquire 35,295 acres for recreation values; 51,474 acres for access; 484,346 acres for threatened and endangered species and winter range and riparian habitat. We feel this would all have a very negative impact on the local economy. The study shows Phillips County losing $103,000.00 in annual tax revenue which would be devastating to local government and schools considering the financial problems

321A

A-34 they now face. It also states Payments In Lieu of Taxes are at their maximum in Phillips County. We question the statement that Phillips county would have an increase of $279,000.00 or 7% due to an increase of recreation opportunities. We can agree that some recreation may be transfered from private to public lands, especially since the land picked for acquisition is mostly prime hunting land and the land disposed of would be the poorest of hunting land. We feel the net gain in recreation dollars would be negligible for many years. We have serious concerns with the fact that land designated for disposal could be bought by any willing buyer if the current lessee was unable to purchase it.

For our comments on the Prairie Dog and Black Footed Ferret Management, please refer to the attached Exhibit A, pages 1 and 2.

We prefere that the BLM does not pursue additional access, but maintain or improve existing access within the BLM's multiple use concept. We believe that people who use their vehicles for hunting, transport weed seeds from other areas of the state and nation into our area. We are concerned that more access would contribute to this growing problem.

F-1 On the Riparian and Wetland Management of Watershade planning issue, we are concerned about the definition of what is in wetland. We do not feel there should be any action on this issue until it is established what a wetland is.

Oil and Gas Leasing and Development issue is also an area of concern to our members. As a nation very dependent on the import of foreign oil, we can not put undue restrictions on our own companies to become more self-sufficient. As farmers and ranchers, we have survived the past fuel shortages, but it has put terrific financial burdens on our opperations. We need to continue the leasing and development of our natural resources.

We appreciate the opportunity to comment on the above issues. We need your help in the coming months as this plan is implemented to consider the comments from people in the affected areas and not put on additional hardships of these people.

Sincerely,

Ross Wiedcrrick
President

321B

Exhibit A, Page 1

The Judith-Valley-Phillips RMP does not adequately discuss the negative impacts of the proposed alternatives for prairie dog-black footed ferret management.

To allow prairie dogs to occupy large acreages of public land is allowing horrible destruction of our native rangelands. Should some other land use cause such destruction, surely it would receive condemnation from both environmentalists and federal land management agencies.

Prairie dogs destroy plant communities, increase soil erosion, and cause siltation of areas downstream. They destroy critical winter forage for species such as antelope, sage grouse and mule deer. They also negatively affect the nesting cover for upland game birds and waterfowl.

In the past twenty years prairie dogs have expanded tremendously in south Phillips County. The high numbers of prairie dog towns on public lands has made it difficult for private landowners to keep them from infesting their private lands. Because the BLM has done very little to control this expansion of prairie dogs, they have set this area up for ferret reintroduction.

The introduction of an endangered species to south Phillips County could have far-reaching effects on the area. The RMP does not adequately address what the introduction of the ferret could do to the economic stability of Phillips county. Releasing an endangered species could have a very negative H-27 effect on the land values of the private land included in the ferret reintroduction area. Lowering land values would put many landowners in financial jeopardy and have serious effects on any county or state activities that rely on income from the tax base. An economical assessment should be included with this plan to estimate the affects of the proposed management.

H-3 Another problem with the RMP is that it doesn't address the fact that there has been a loss of forage available to livestock because of the presence of the prairie dog towns. The plan states that there will be no reduction of AUM's, yet there has been a loss of forage. Efforts should be made to replace the forage that has been lost due to unchecked expansion of prairie dogs.

The RMP should reduce the size of the reintroduction site. Using only the 7 (?) criteria is not very realistic. The people of Phillips County should not have to bear the burden of having so many acres of prairie dogs. 89,000 acres of prairie dogs is not needed to provide habitat for ferret reintroduction. The "fourth arear" of the Y do complex should be removed, making a more realistic reintroduction area that doesn't affect so many landowners.

Private landowners are being held hostage by the RMP. If they choose to get rid of the prairie dogs on their private land, then the BLM is going to let the prairie dogs expand on the federal grazing allotments. These

321C

Exhibit A, Page 2

2

federal lands are an integral part of their ranching operations. The BLM should not consider the prairie dogs on private lands to be tied in any way to a ferret reintroduction. The Bureau should not force the private landowners to be a part of the ferret reintroduction, which is what they are indirectly doing with this RMP.

H-4 This management plan doesn't use strong enough language when it talks about reducing the prairie dog acreage to 1988 levels prior to the release of any black-footed ferrets. The RMP says it prefers that this is the way it will be. It should say that the prairie dogs must be reduced to 1988 levels before ferret reintroduction. Prairie dog control is critical in south Phillips County.

H-29 Landowner attitudes toward the prairie dogs and ferrets is hardly mentioned in the RMP. Basically, the landowners are against ferret reintroduction. Even with a reasonable reintroduction plan, the landowners fear a "change of the rules in the middle of the game" which could change a basically acceptable plan to an awesome monster that might put everyone out of business. These landowners need some sort of guarantee that their operations will not be in jeopardy.

The BLM should maintain a multiple-use concept when it comes to prairie dogs and black footed ferrets. It is about time the BLM stood up to the U.S. Fish and Wildlife Service and their single-use concepts.

322

December 9, 1991

Mr. David Mari
District Manager
Bureau of Land Management
Lewistown District Office
Airport Road
P. O. Box 1160
Lewistown, Montana 59457-1160

Re: JVP - RMP
Draft EIS

Dear Mr. Mari,

The following comments concern the BLM's Draft Environmental Impact Statement for the Resource Management plan for the Judith Valley Phillips Resource Area.

General

The draft management plan is extremely difficult to analyze in it's current format . Many hours were needed to study the various alternatives and their related impacts. I do ask that the BLM extend the comment period to allow the public more time to analyze the various alternatives.

Azure Cave ACEC

N-4 I object to the change of the withdrawal area to the Azure Cave ACEC to " protect cave resources and potentially the northernmost hot hibernaculum in the United states." The bats are neither rare nor endangered, however the BLM would designate 140 acres to protect theses resources. This designation is not based on scientific study or fact. The impacts of this preferred alternative could be very significant as mining in the area would be impacted or completely restricted. Existing mining claims in the area may or may not be economic to mine in the future. Should they become viable properties, then and only then should the cumulative effects be analyzed. This proposed ACEC should be withdrawn until scientific data can support such a measure.

322A

South Moccasins-Judith Mountains Scenic Area

This scenic area ACEC nominated by the BLM is most curious and the criteria for this nomination is very ambiguous. There is no thought to potential lost revenues for Fergus County, the State of Montana or the United States Government. Simply stated the BLM finds mining offensive to look at.

Suppose mother nature changes the "viewshed" with an earthquake or other natural event. How does the BLM propose to return the area to it's original topography? I admit that this remark is juvenile, however that is how I view this proposal by the BLM.

J-2 Management of federal land is the BLM's responsibility. They do not have the right to limit development because they are offended with "unsightly disturbances" in their own backyard. Why does the BLM limit this ACEC to this specific area? What limits the BLM from determining other areas becoming "scenic areas"?

Please remove this proposed ACEC from the EIS and allow the permit process and resulting public comments and cumulative effects follow course.

Black-Footed Ferret Reintroduction

My interpretation of this issue is that the ferret will be reintroduced to southern Phillips county regardless of public comment, apparently the result of the Endangered Species Act.

H-1 Specific mitigations need to negotiated with the public concerning ferret management when the ferret migrates from it's habitat area. Activities that could result in potential changes in ferret habitat also need to be defined specifically. I am very concerned that potential mineral development and management of existing agricultural resources within the management area would be of negative impact. The public definitely needs more time to thoroughly understand and comment on this issue.

Sheep and Elk Habitat Expension

G-4 The BLM needs to do their homework before promoting sheep and elk habitat expansion. What types and numbers of ungulates has the Little Rockies supported historically. What are the current populations and their existing herd conditions. The BLM would indiscriminately increase sheep and elk herds without scientific study to determine if this is slightly viable. What are the effects to private landowners whose economic livelihood is severely hampered by increased grazing from elk and other ungulates?

322B

Wetland/Riparian Areas

F-14 It appears that the BLM has performed a broad brush solution to a very complex problem. Where is the field work and corresponding data to support setting aside 348 allotments containing 599 stream miles and 5,850 water sources? Natural resource and agriculture businesses would be severely hampered by such measures. The BLM must consider potential changes to each wetland/riparian area as they become an issue of concern, not as one general policy. Please assess the impacts of your draft RMP by being more specific and doing the proper baseline work before the final RMP is completed.

Thank you for allowing me to comment on the draft EIS.

Sincerely,

James Geyer
Box 1206
Malta, Mt. 59538

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Cornwell Ranch
P.O. Box 1031
Glasgow, Montana 59230
December 14,1991

Bureau of Land Management
District Manager
P.O. Box 1160
Lewistown, Montana 59457

Dear Sir:

This letter is in response to your solicitation for comment upon the proposed operating rules, presently in draft form for the Judith Valley Phillips Resource Management Plan.

We are operators of a family owned cattle ranch in Valley County. Current Cornwell Ranch grazing operations are conducted in compliance with an Allotment Management Plan formalized in 1988 and put into practice in 1990. Considerable cooperative effort with the BLM Valley Resource Area Office of Glasgow, Montana, went into the formulation and design of this planned grazing use.

More particularly, this plan of use was designed around the Buggy Creek drainage which bisects the Ranch from north to south. The area encompassed by this watershed is strikingly center fold to the Ranch in its entirety. Truly the very heart of the entire operation. It is irreplaceable, as to providing livestock shelter during early spring and late fall storms.

It was recognized early on in this planning process that controlled use during these two periods were of critical importance and vital to not only a viable Ranch endeavor, but equally vital to that of progressive resource enhancement. A resource plan of use was devised to meet both areas of concern. While this planned use has been in place only a short time, positive results are already evident.

Upon receiving the "Draft" Judith Valley Phillips Resource Management Plan Environmental Impact Statement in July of this year, we were disturbed to discover that under the proposed Land Acquisition and Disposal Proposals, that this heart of the Ranch, was listed among those lands to be acquired by the BLM.

The loss of these lands from our ownership, poses a threat that we are very apprehensive of. We do not believe that the Ranch could remain as a manageable and viable Ranching unit with these lands not under our control. Control, that has endured now for almost one hundred years. What are the plans for these lands that were not considered at the time our RMP was arrived at? Has the A-35 BLM abandoned the principal of joint effort in land management? What goals are unattainable under our ownership that only Government ownership can correct?

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Considering the lop sided, total acres listed for acquisition (600,000) acres and only (140,000) acres listed for disposal, logic would seem to indicate that this is pure and simple a land grab designed to put more and more of Montana privately owned lands under Government ownership. Using the arguments put forth by the Government planners of this land management document i.e.s "that reverting those disposal tracts to private ownership would encourage land development and enhance tax base for local government entities"), there doesn't reverse logic say that it would be detrimental to put so much larger acreage of existing private lands back under Government ownership?

A-6 A-11

This proposed action of listed land acquisitions by the BLM did immediately have a profound negative impact upon values of the involved land units. This cloud of Government action against these lands would deter any prospective buyer's interest in a Ranch unit. In your letter of October 18, 1991 you stated that any one desiring to have those lands that were listed for acquisition removed from said listing could do so by requesting such an action, consider this letter such a request from Cornwell Ranch of Valley County, Glasgow, Montana.

I would offer as a substitute preferred action in this area: That the proposed Rules in the Land Acquisition and Disposal area be stricken. The BLM's need for a carte blanche approach is questionable, in fact; it has not been demonstrated that reverting private lands to Government ownership is beneficial. Certainly this is a reversal of policy upon which this Country was founded!

Sincerely,

Walter Cornwell
Cornwell Ranch
Walter Cornwell

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1449 Elkay Drive
Eugene, Oregon 97404

December 11, 1981

B. Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, Montana 59457-1160

RE: Draft RMP/EIS for Judith-Valley-Phillips Resource Areas

Dear Mr. Miller:

As an interested citizen and former Montana resident, I am pleased to submit the following comments for inclusion in the public record. My comments fall primarily into your interest categories 3 (possible new alternatives) and 4 (needs for clarification).

The history, pre-history and natural history of the dry Great Plains should have taught us this: Expect change. The paleontological and archaeological records confirm this. Looking back millennia before the homestead days, we see a gradual succession of human, plant and animal responses to shifting climatic, biological and socio-cultural conditions. Foot-bound, nomadic mammoth hunters are followed by bison hunters, are followed by hunter-gatherers, and so forth. By the time our history begins a couple of hundred years ago, things begin to wobble. The pace of change accelerates dramatically, and is increasingly caused by the destructive effects of our own economic and technological activities. Spanish explorers, intrepid explorers and adventurers are quickly followed by fur trappers and traders, are followed by gold-seekers, are followed by Indian fighters, are followed by commercial buffalo hunters, are followed by mineral and cattle barons, are followed by homesteaders, are followed by ranchers and farmers, are followed by tourists, recreationalists, agribusinesspeople, and so on.

When I look back upon this boom-and-bust spiral which is our cultural heritage on the dry Plains, it occurs to me that, generally speaking, we have not lived as if change were a natural part of the landscape, or even as if the landscape itself mattered very much. Initially, of course, we did not understand the landscape, nor did we know for what sorts of changes to prepare. We imposed ourselves upon the land in some inappropriate ways, as a result.

Ignorance of conditions, though, can no longer serve as an excuse. For whatever reasons, we still have not fitted ourselves to the arid lands in ecologically sensitive ways; we

have not created, there, ways of life which are readily adjustable and self-sustaining. Clearly, we have broken off, diverged from the greater continuum of human prehistory on the dry Plains. We have over-used and under-planned, and we have not done well by the future. Repeatedly, people of the Plains have paid for such shortsightedness with their jobs, even their ways of life.

With all respect due the current B.L.M. planning process, I sense a strong current of business as usual in the RMP/EIS document. In my view, the alternatives presented for public consideration are both limited and inadequate. It is arguable, of course, that alternatives are constrained by politics, financial and administrative realities of the present. But we must remind ourselves of the proven long-term costs of over-using lands for short-term gain. Damaged soils, depleted resources, lost species--we are paying for all of these today. As long as nature is treated as something that lives in the cracks between civilized enterprises, our children will continue to pay--unless we learn to make wiser choices.

Generally, my objection to the proposed alternatives is that they tend to cluster around the rather narrow, short-term considerations of stewardship: How can we best manage the land and resources for the benefit or gratification of HUMANS today? Because this human-centered approach does not also adequately address the needs and interests of the various non-human organisms involved, it cannot provide for their long-term health and integrity. Our own long-term security, of course, hangs in the lurch.

A related difficulty with the available alternatives stems from the multiple-use approach used in their creation. In the attempt to satisfy divergent--even conflicting--human interests, this approach has resulted in piecemeal management. Individual parcels of land, or individual plant and animal species, are treated as if they were separate, separable entities which, as parts of larger ecosystems, they are not.

S-20 Here again, the alternatives fall short. How can we arbitrarily plug ferrets and prairie dogs back into the system, without also considering all of the other associate species, like bison, with whom these creatures have powerful symbiotic relations? How can the land ever heal, put itself back together again, find its natural strengths again, if we manage for politically-defined parcels and single interests, rather than for entire webs of life? Unfortunately, I do not see such questions addressed within the current list of alternatives. Through the narrow, short-term management scenario presented to us now, we risk re-activating the dynamics of boom-and-bust, thus losing even

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more of the very things which have always made life on the Plains worth living.

Y-7 To its credit, the RMP does advocate adherence to "sustained yield", but sustained yield of what? Here in the Pacific Northwest, for example, we are supposed to have had sustained yield for years. Still, we have come to the point now where the old-growth forests have been cut down to the last ten percent or so; where salmon stocks have dwindled to some two percent of their former size; where we all face socio-economic and environmental crises as an increasing number of species are placed on the endangered list, and so on. When we look at the gaping holes in our ecosystems, can we really believe that sustained yield is anything more than a token, a theory?

Given the emphasis on stewardship and multiple-use philosophies, it is not surprising that the alternatives in the present RMP/EIS largely avoid the fact that we are now dealing with a greatly-damaged ecosystem, important parts of which are simply missing. Alternatives favoring reintroduction of displaced or endangered species--such as the black-footed ferret--appear at this serious problem. But they do not go nearly far enough. For example, the dominant grazing animal of the Great Plains ecosystem--the American Bison--is not even mentioned in the RMP (save in the context of past cultural resources in the Big Bend of the Milk River).

S-20 Historically and prehistorically, of course, the entire Judith-Valley-Phillips Study Area comprised some of the best bison habitat on the Great Plains. In fact, it was the bison which, almost exclusively, supported human life within the study area for thousands of years. Within this vast habitat area--described on p.131 of the RMP/EIS as "rural, largely unpopulated"--should not this fact be acknowledged? Should there not be some portion of this study area where principles of aboriginal ecosystem and short-term restoration can be tested and placed into practice? Can the costs of our failure to do so be really born by those who come after us? I think not.

I do not mean to suggest that the environmental destruction of the past two hundred years can be overcome in one stroke with the addition of more powerful alternatives; such healing will be a long time happening in any case. And I do find some alternatives--particularly the preferred Alternative E--to be somewhat progressive; to a degree, its very existence suggests that a departure from current management standards is desireable. Alternative E has the added advantage of recognizing that times change: It keeps future options open by promising "no irreversible or irretrievable commitment of wildlife habitat" (p.233). Still, it does not also ENHANCE

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have not created, there, ways of life which are readily adjustable and self-sustaining. Clearly, we have broken off, diverged from the greater continuum of human prehistory on the dry Plains. We have over-used and under-planned, and we have not done well by the future. Repeatedly, people of the Plains have paid for such shortsightedness with their jobs, even their ways of life.

With all respect due the current B.L.M. planning process, I sense a strong current of business as usual in the RMP/EIS document. In my view, the alternatives presented for public consideration are both limited and inadequate. It is arguable, of course, that alternatives are constrained by politics, financial and administrative realities of the present. But we must remind ourselves of the proven long-term costs of over-using lands for short-term gain. Damaged soils, depleted resources, lost species--we are paying for all of these today. As long as nature is treated as something that lives in the cracks between civilized enterprises, our children will continue to pay--unless we learn to make wiser choices.

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long-term future options to an acceptable degree, through aggressive restoration efforts. The fact that the preferred alternative MAY keep a damaged ecology from deteriorating even further, is insufficient.

In fact, in light of current developments elsewhere, alternative E falls far short of what we should expect. For example, a recent article in my local newspaper discusses the advantages of ecosystem-based management over the standard species-by-species approach. According to the article, with the ecosystem approach we should be able to buy preservation for an average of 1/5 the price and protect additional species--even entire watersheds and ecosystems--at bargain rates. Ironically, in this case, the article also points out that some Interior Department officials have recently advocated ecosystem management, rather than costly then species-by-species protection. Practical constraints aside, then, there seems to be our tax dollars to greater the more substantial the investment in protecting and restoring Q-5 ecosystems. Why are we not seeing more substantial movement in this direction reflected in the current RMP?

In the 1984 Draft Environmental Impact Statement on the Management of the C.M.R. National Wildlife Refuge, the Montana Fish and Wildlife Service appeared somewhat responsive to the sorts of concerns expressed here. Again concerning the bison, that important species was at least mentioned in the earlier FWS document (p.p.85;262;263). Though bison reintroduction was not selected as a priority in response to Defenders of Wildlife request, the issue was addressed and included in the Intensive Wildlife Management Alternative. Furthermore, the FWS showed an inclination to meet people half way. Their response to Defenders follows: "FWS experience has shown that bison management by a government agency is both difficult and expensive. Therefore, use of bison to manipulate vegetation for wildlife was not selected for the Proposed Action. The FWS will work with any private entity desiring to substitute bison AUMs for cattle AUMs in a CMR allotment" (p.263).

I have no dollar figures to back this up, but my belief is that if we put bison and ecosystems back in place to manage certain marginal, agriculturally-unproductive lands for us, the long-term management costs would be far less than with continued intensive management by bureaucracy. Furthermore, from the standpoint of pure productivity, the native bison beats the imported cow every time, and it does not have to be coddled through the winters. This is because bison evolved in that country, while cattle (or sheep) did not.

My own survey of current ecological research on the American Bison strongly indicates that, due to its omnipresence

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S-20 historically and prehistorically, the bison is key to the maintenance and integrity of the shortgrass ecosystem. Why is the bison reintroduction issue not even raised for discussion in the current Judith-Valley-Phillips document?

Early in 1987, a Montana resident--a former rancher from the Judith Resource Area--proposed what amounts to a vast ecological restoration zone in eastern Montana. The Big Open, as the plan is called, would promote restoration of the entire natural spectrum of native plants and animals--absolutely NOW--within an area of approximately 15,000 square miles. This privately-managed cooperative would involve parts of the Missouri, Yellowstone and Musselshell River drainages in east-central Montana. Other conservation organizations, notably The Nature Conservancy, are attempting similar, though more limited, restorations in several Plains states. These are conceived primarily as biological preserves and scientific study areas, however.

The Big Open plan, on the other hand, is the only initiative I am aware of which seeks to include humans as part of the equation (as they naturally were for millennia). That is to say--as conceived in The Big Open plan--a restored, healthy, natural ecosystem would once again form the economic base for human life within that fragile environment. As the proposal suggests, with the ecosystem approach to management, local Montanans would be able to keep their land and rural way of life, make more money, and save both the land and the wildlife in the process.

In parts of the Judith, Valley and Phillips study areas, an arrangement like The Big Open could maximize the benefits of ecological management, while reducing relative costs to the landholder, to the taxpayer, and to future generations. Ironically, although lands of all three Resource Management Areas fall well within the proposed boundaries for The Big Open, no mention is made of this anywhere in the RMP document.

I feel strongly that The Big Open restoration concept should be included for consideration within the list of reasonable management alternatives. Across the country, and in many other parts of the globe, history is tending toward the view that ecosystems are best maintained in tact, and that our own long-range survival depends upon it. The values we see in the natural lands are changing also, and will continue to change. Let's not get left behind.

In closing, I would point out that people in the dry Plains study areas concerned here, are extremely fortunate to still have options open for restoring the strength and integrity of

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their natural ecosystems. In other parts of the Plains--the tallgrass areas, for instance--the natural ecology has long-since been obliterated, options lost. According to the Regional Attitudes section of your RMP/EIS (p.p.145-151), many local residents in the study area fully appreciate the extent of their own good fortune. According to the Montana Futures survey you cite, "Nearly three-fifths [of respondents] believe protecting the environment is more important than economic development" (p.145). As a frequent visitor, I can agree with that view to an extent: I do not come to Montana and spend my money because of the city life it offers, nor do the thousands of other visitors. We come to experience and to learn from the natural values which are increasingly hard to find elsewhere.

But, as proposals like The Big Open show, it is not necessary for Montanans to choose economic development at the expense of environmental protection, or vice versa. There is the best chance for achieving both at once lies in the enhancement of that for which Montana is already well-known: Unspoiled wildlands and wildlife. The people of eastern Montana still have a unique chance to manage a region-sized land area ecologically, for their own benefit and for the rest of the country to learn from. If Montanans will make the necessary investments in protecting and restoring those natural systems now, their greatest assets, greatest opportunities, may be fulfilled.

I urge that the decisions you ultimately will make at the close of this study strongly protect and enhance the natural values of the environment upon which all life depends.

Respectfully Yours,

Douglas Hoffman

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LEWISTOWN — AT THE HEART OF THE BIG MO COUNTRY

AREA CHAMBER OF COMMERCE

P. O. BOX 813 408 N.E. MAIN • LEWISTOWN, MONTANA 59457
(406) 538-5436

December 13, 1991

B. Gene Miller, District Manager
Bureau of Land Management, Lewistown District Office
P. O. Box 1160
Lewistown, MT 59457-1160

Mr. Miller:

The Lewistown Area Chamber of Commerce would like to comment on the Judith-Valley-Phillips Resource Management Plan and Draft Environmental Impact Statement. Our comments are based on discussions in our various committees and the Board of Directors, attendance and comment at various public meetings, and a recent simple opinion poll conducted in the media.

Private property rights are the basic tenet of our society. If any lands are pursued for acquisition as noted in this plan, we would insist that it be conducted on a willing seller status. Your efforts to remove land incorrectly identified have gone a long way toward allaying that concern. While we have no say over the use of condemnation, we hope that option will rarely if ever be used in the future.

J-8 The creation of ACECs in the Judith/South Moccasins and Collar Gulch areas redundant. Don't we already have management controls in place that will protect the visuals in the former case, and water quality in the latter? While we highly value and promote the visual aspects of Central Montana, including New Year Gulch and Limekiln Canyon, we also value the profitability of one of our larger industries, mineral extraction. Discussion of any potential projects on a case-by-case basis seems a wiser course of action.

Finally, the economics of the plan, with substantial property tax reductions under the preferred alternative, are also of great concern to us. With escalating costs and frozen revenues, counties need every bit of revenue they can get.

While these comments are far from specific, I hope that they will be of use in your planning. Thank you for the opportunity.

Sincerely,

Webb Scott Brown

webb Scott Brown
Executive Director

Serving Central Montana Since 1908

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Dec 13, 1991

Comments on Resource Management Plan

My comments are based on my knowledge of the area where we have lived for 26 years, which is Ruby Gulch which is bordered on three sides by the area considered for the Moccasin-Judith Mountain Scenic Area ACEC.

Alternative E (preferred) is the best.

Access to Old Land

B-8 It is mentioned that Pyramid Peak is to be considered for new access. It should not be considered for these reasons:

It is very steep from all directions for a long way and drops into deep ravines. It is a bare rocky tab that would not serve any recreational purpose and would not be an "adequate recreational experience" enough to warrant the expense of providing access. As far as the vista is concerned, Judith Peak has the same view and more, and already has a road. There is no water, it is windy and either very hot or cold and you can't even make a cow stay up there.

Off Road Vehicles

C-13 I would like to see the ORV trail up Limekiln Gulch take off the map for these reasons:

This area is made up of small, dead end valleys, steep mountains, deep coulees and lots of wild life. I don't think ORV's are compatible with this type of mountain. On private land, if anyone has an open area in is used for hay production or grazing and the land owners don't even drive around as everyone is dedicated to taking good care of these nice mountains.

The county does up here are very popular with older people. It is a short drive from town to be in the forest and view wildlife. ORV's would disturb that, cause noise, and subject the area to spread of weeds, fires and vandalism. So far we have no leafy spurge or spotted knapweed but it is showing up on the West of us where Limekiln Gulch is. There is very little water in the area.

Hard Rock Mining

Management Prescriptions for Se. Moc - Judith Mt ACEC 2., 3., 4.
Disturbance could be screened from view, not only from Lewistown, but to the residents and users of the area as well.
Degradation of water is a concern.

South Moccasin - Judith MT Scenic Area ACEC

This must be the way to go to protect the mountains.

/s/ Mary R. Milburn
Gilsedge Rt NC 35 Box 4098
Lewistown, MT 59457

(Typed exactly as received for reproduction in the final RMP/EIS.)

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December 13, 1991

Bureau of Land Management
Lewistown District Office
Airport Road
P. O. Box 1160
Lewistown, Montana 59457-1160

Att: David L. Mari, District Manager

Responding to the Judith Valley Phillips Resource Management Plan
Environmental Impact Statement - draft copy

Dear Mr. Mari:

First, I support the BLM land exchange policy. This will lead to better management on both private and BLM lands.

I believe that access to BLM lands should be achieved through constructing roads through BLM lands from existing access points and not exposing surrounding private landowners to the problems such as noxious weeds, trash, trespass, open gates, fire, etc., that access through private lands would cause.

I oppose acquisition of more land by BLM. There would be very serious reduction in AUMs from acquisition. Also, increasing elk numbers in areas such as Square Butte in Chouteau County through land acquisition will cause conflict with surrounding private land as the existing herd is all the area can stand, as is the case in most if not all areas.

The Blackfooted Ferret, if released at all, should be deep within the CMR Wildlife Refuge. If introduced as is suggested in Phillips County, adjoining private land will be severely impacted through the existing Endangered Species Act. The introduction should be delayed until the Act is modified to meet the needs of private lands and enterprises.

Thank you,

G. E. "Ted" Lucas
Rte 1, Box 43
Highwood, MT 59450

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Y-18 that this be accepted as part of the Judith Valley Phillips Resource Management Plan Environmental Impact Statement.

In addition, this county requests a copy or list of all activities that this federal agency will undertake or plan to participate in, in the coming year. This county requests this list so that the county can coordinate and ensure consistency between federal land planning and management activities and local land use plans and other projects.

Pursuant to the above cited regulations, the opportunity for participation given to local governments is a distinct process and such notice should be given to local governments before the general public is asked to comment on a federal land use or management plan.

Thank you for your cooperation.

Sincerely,

JUDITH BASIN COUNTY COMMISSIONERS

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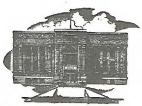
JUDITH BASIN
COUNTY ATTORNEY



Box 357
Stanford, MT 59479
Phone 566-2311

December 13, 1991

Bureau of Land Management,
District Manager
Airport Road
Lewistown, MT 59457

RE: Notification of Desire to Participate in Federal Land Use Planning Efforts

Dear Sir:

Pursuant to Bureau of Land Management (BLM) regulations at 43 C.F.R. §1610.3, Judith Basin County formally requests that its County Commissioners be specifically notified of, and be granted the opportunity to participate in, all land use or other planning efforts or decision making processes undertaken by either the BLM or Forest Service within the borders of this county or surrounding counties. This county is interested in participating in all federal activities that will or may, directly or indirectly affect the citizens or the tax base of this county. These federal activities possibly affecting this county could include the revision or creation of all state, regional and local land and resource, use and management plans, the creation or revision of state, regional or local wildlife or other renewable and non-renewable resource management plans, and the creation or revision of any planning documents requiring an environmental assessment (EA), a Finding of No Significant Impact (FONSI), or an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA).

Y-18 This county is engaging in a land use process and putting together an interim land use plan. We respectfully request

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Box 512
Stanford, Montana, 59479
December 13, 1991

Mr. Chuck Otto
Bureau of Land Management
Department of the Interior
Airport Road
Lewistown, Montana, 59457

Dear Sir,

In response to your letter and subsequent public statements of the Bureau of Land Management's desire, if not intention, to enlarge the Square Butte Natural Area in Chouteau County, Montana, by acquiring surrounding private land, we wish to inform you that we do not wish to sell any of our property. If we are ever to change our minds, we will contact you or the agency.

Sincerely yours,

Ted Myllymaki

Raima Myllymaki

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Hilger, Mr.
Dec. 12, 1991

Lewistown BLM

To Whom It May Concern:
Please accept these comments on the Judith Phillips Resource Plan
I generally accept your attempt to write a multiple use plan for our area. You must continue to support multiple use in spite of local special interest pressure.
While I do not relish the idea of more government land in our area I see nothing wrong with a willing seller plan to block land or acquire areas of special concern. As an after thought: I much prefer public ownership to Ted Turner or Church Universal & Triumphant.
The scenic area N. of town makes sense. Don't allow our beautiful mountains to be destroyed for a non-essential mineral.
I feel fire management is overlooked. With the massive fuels building fire will some time take the area. Why not enact a vigorous controlled burn program. Livestock & wildlife will greatly benefit. There is risk involved but we would gladly welcome the effort.
As a rancher with many elk we probably don't vent more elk but can live with them now. In reality public land provides little for them in our area. The breaks are much different.
As more private land is closed to public access demands will increase for use of the public land. BLM can aid both sides with thoughtful exchange of use agreements that allow some control of public access to public land in trade for access to private holdings. In general we must recognize most public land is multiple use land as opposed to single use such as open pit mining.
I think generally the plan is written as a general moderate multi use plan. It has been unfairly attacked by local politicians and a couple narrow minded economic interests. Keep your long term duties in mind.
Sincerely,
/s/ John S. Gilpatrick

(Typed exactly as received for reproduction in the final RMP/EIS.)

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You asked for comments on the Judith Valley Phillips RMP/EIS.

Your land designation and disposal. You should trade for block lands alone, if at a good thing to resell or swing the BLM land and get better grasses. And better yet you should trade it selling your land to the Ranchers that are grazing the BLM land. And get it on the tax roll. That way the county schools would have enough money to operate on.

It is hard enough to grow crops with all the wild life around. We don't need more wild life and we don't need the Tony Wolf and the black footed ferret.

Riparian and Wetland Management of Watersheds I think it would be OK to open stream banks selectively by reserving. But it will be hard because when the streams are high there is alot of growth, I have seen where the Milk River when the water is high for a long time the banks get soft and sluff in. And I don't think vegetation should be fenced off from cattle.

Yours truly,
Mike & Peggy Dunning
SR1 Box 11
Dodson, Mont 59524

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DRAFT JUDITH, VALLEY, PHILLIPS RESOURCE MANAGEMENT PLAN

Comments

Troy Blunt
HC 84 Box8145
Malta, MT.59538

Issue-Land Acquisition and Disposal- The U.S. Government should not be in the business of acquisition and disposal should only be to existing permit holders.

Issue-Access to BLM Land- Most access issue's could be handled by working with the permittee and adjacent landowners.

Issue-Off-Road Vehicles-Because the management situation will be different on each allotment, the permittee should have the right to designate ORV for game retrival if they wish.

Issue-Oil and Gas Lease and Development-Environment concerns are important but should not be so restrictive as to inhibit possible development and growth of important industries within the boundaries of the RMP area.

Issue-Hardrock Mining-The same as Oil and Gas

Issue-Riparian and Wetland Management of Watersheds-This issue should be tabled until a complete and workable definition of wetland and riparian is on record.

Issue-Elk and Bighorn Sheep Habitat Management-The impact of increased elk and sheep habitat means that there could be a reduction in domestic livestock AUM's. This could reduce the tax base of the county and reduce the producers ability to make a living. The impacts this issue would have on livestock grazing management were not adequately addressed by the RMP team. Current populations levels of these big game animals seem to be adequate in providing sports person entertainment.

G-14 Issue-Prairie Dog and Black Footed Ferret Introduction-So far the desire and intentions of the residents within the affected area has not been taken seriously. We do not want the Black Footed Ferret introduced into this area. We do not want as many Prairie Dogs as we have now.

In conclusion, we consider the document to contain flawed and unsubstantiated information which could have a negative impact on the citizens of the RMP area. We hope the RMP planning team proceeds with care as their decisions will affect our lives and that of our children.

Sincerely,

Troy Blunt

333 MISUBMISSIONS

PHILLIPS COUNTY

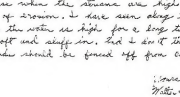
EUGENE (GENE) COWAN
Lavina, Montana

SHERMAN DOUCETTE
Malta, Montana

WAYNE C. STAHL
Brian, Montana

Clerk and Recorder
INGELBY I. SCHWARTZ

Treasurer
ELLEN JEAN MAVENCAMP



Malta, Montana
59538

Assessor
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Sheriff - Coroner
DONALD PEDERSON

Clerk of District Court
PEGGY PFISTER
Phone 654-2405

Superintendent of Schools
GARY A. BADEN

County Attorney
JOHN C. McKEON

Justice of Peace
GAYLE STAHL

District Judge
LEONARD H. LANDEN
Glasgow, Montana

December 12, 1991

B. Gene Hilley, District Manager
Bureau of Land Management
P.O. Box 1160
Lewistown, MT 59457

Dear Mr. Hilley:

We are writing this letter in response to the Draft Judith Valley Phillips Resource Management Plan Environmental Impact Statement.

We feel that the economic impact to the affected communities of the RMP-EIS under the proposed alternatives will be negative. Figures found in the draft show otherwise. We are not in the position to disagree because no listing of the assumptions used in your economic model or the models themselves are included in the document. We feel that the public should be given the opportunity to view and comment on these important items before the final draft is adopted. Because the economic viability of the area is dependant on natural resources, and the BLM controls a large percentage of these resources, we feel that this is a very important part of the RMP-EIS and should be explained better.

X-1 We feel that the RMP-EIS should in no way identify private land for acquisition in the Land Acquisition and Disposal Planning Issue. This is an invasion of private property rights. Furthermore, we do not feel the BLM has any business in acquiring additional lands to meet their management objectives. The lands that have been identified for acquisition tend to be highly productive areas which, if taken out of production, would greatly reduce the economic activity and the tax base of the area. Your economic evaluation seems to show otherwise and we think you should re-evaluate your assumptions and models. The law states that an EIS must evaluate and consider economic consequences to the affected people and communities of proposed management changes. We do not think the RMP-EIS adequately accomplishes

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this.

In reviewing the Off Road Vehicle Planning issue, we found it very disturbing that ORV use is limited in south Phillips County during hunting season. There currently exists a large population of game in south Phillips County that is in need of annual harvest to maintain the productivity of the area. Any action which would limit the ability of sportsman to harvest this game will jeopardize this production. We feel that there should be a game retrieval clause in the rule if the affected permittee so chooses.

In reviewing the Riparian and Wetland Management of Watersheds planning issue, we find it disturbing that, currently, no working definition of a wetland is to exist. We feel that this issue should be tabled until the working definition of a wetland is finalized and in print. It seems very unproductive to us to plan for and try to implement a management system that will in all likelihood change within the year.

In reviewing the Elk and Bighorn Sheep Management issue, we found it interesting that producers are already having problems with elk damage on private lands in south Phillips County due to high populations while the plan states that additional habitat is available in this area. We feel that the additional habitat identified is land that is currently unappealing to elk. We say this because the current high populations should have moved into these areas by this time if there areas were truly high quality habitat. We feel that the BMP should do no more than increase in elk habitat so that will most likely lead to increases in elk numbers by the State Department of Fish, Wildlife and Parks. This will only lead to increased problems and damage to private crops, hay meadows, forage and fences.

In reviewing the Prairie Dog and Black-Footed Ferret Management planning issue we found many problems. We feel that the size of the 78m complex should be reduced. Some of the arms or branches of the complex should be eliminated which would greatly decrease the number of affected landowners. Because the BLM proposes to sustain a large number of prairie dog acres which will lead to a serious encroachment of prairie dogs onto private land, we feel that the BLM should bear the entire expense of prairie dog control on all acres in the complex including private lands. Private landowners should have the right to control prairie dogs on their lands whenever they wish. If private acres are controlled, the BLM should in no way have the ability to increase the number of prairie dogs on public land to compensate for this loss. The BLM must control all prairie dog towns to their 1988 levels before any ferrets are introduced. Managing for prairie dogs offends us in other ways. It is strictly a single use concept that contradicts the multiple use concept which governs BLM management decisions. TV ecological damage and erosion problems which are evident on all prairie dogs towns cause a severe decrease in habitat for other wildlife species,

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forage for livestock, and the aesthetics of the infested area. Finally, because of the large number of people affected by this, we feel the BLM needs to conduct an economical and sociological analysis of prairie dog and black-footed ferret management in south Phillips County. If planning and implementation are not performed to protect the producers of south Phillips County, the economic and sociological ramifications of the plan will cripple the entire county's tax base and way of life.

In conclusion, we have attended many meetings on these issues and have found the majority of the attendants to feel the way we do. Show the people of Phillips County that the system works. Show us that the comments you are required to solicit by law lead to changes in this plan so that it truly is a management plan for the affected people.

Sincerely,

Sherman Doucette
Chairman, County Commissioners

Gregg Keller
County Commissioner

Wendell A. Fidel
County Commissioner

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Dec. 14, 1991

B. Gene Killer, District Manager BLM
Box 1160
Lewistown, MT 59457--1160

Dear Sir:

I was at a meeting here Friday when an appeal was made to have an extension on the comment deadline for the Judith Valley Phillips RMP/EIS in the county commissioners' office.

Those there were two good point brought out in support of the extension of the date: one was the bad time of the year (July) when it was released for anyone involved in agriculture to wade through it and the other was the need to have county commissioners sort of side-by-side involved with the BLM from square one through the entire process.

Personally, I have been an advocate of more county involvement for more than 25 years and it is finally getting attention.

Even if the extension is denied, I would urge that your economic evaluation have heavy input from the county commissioners who are really the only ones to give first hand accounts of how federal agency decisions affects those of us living in those Montana communities heavily impacted by BLM.

You have some wonderful people staffing your Valley Resource Area office and we know it isn't easy for them to deal with the complex issues that are often influenced by people who could care less how we survive in the small western communities.

I appreciate your staff in the field here.

Sincerely,

Gladys Bilk
623 -7th Ave. No.
Glasgow, MT 59230

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the glasgow courier
and courier printing

Phone: (406) 228-9301
Home: (406) 228-9350

P.O. Box 191
343-2nd. Ave. S.
Glasgow, Mt 59230

Dec. 14, 1991

B. Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
Box 1160
Lewistown, MT 59457--1160

Dear Sir:

To say the least, your Judith, Valley, Phillips RMP/EIS is a massive document for study at the more inappropriate time of the year for people involved in Agriculture.

The newspaper has an important role within a community, especially in Valley County where we've had a history of a yo-yo: economy, much of which is tied to federal government decisions.

First, Fort Peck Dam. In the dry 1930s, the land hungry the Missouri River and now under the lake was mostly the only area paying taxes consistantly. As for value, one man earned $4,000 for one year's crops of choice alfalfa seed (many farmed for seed cash crops) and the next year, the federal government grabbed his land for $4,000 including his house. That was only a small piece of land. We lost the whole area under the lake tax base forever. We were promised irrigation which never materialized and reparation stamps which only happened about three years ago when Rep. Ron Marlenee slipped them through in a major appropriations bill. The beneficiaries of the project were downstream states for the last 50 years, with this area only realizing tourist benefits which does not help the tax base to any notable extent.

Then came Glasgow Air Force Base, boom, bust, and its yet to be determined how the tax base lost for that facility over more than a quarter of a century will be boosted by the giant Boeing Company, the one bright spot in the constant erosion of tax base.

Over the years, the federal government has continuously nipped away on the animal units on the Charles M. Russell Wildlife Refuge, and in spite of a long and valiant BIA session, nothing changed from their original goal to rid the land of sheep and cattle and the public suffers in those studies he deemed. Again, more tax base eroded forever.

Even the BLM, the good neighbor over most of the years, forced ranchers into court some 10 years ago when the Valley County cattle got evicted from public lands because of drought that must have stopped at the Phillips and Hotcone county lines because none of those cattle were forced off the range during the widespread drought in eastern Montana. It cost the cowboys an arm and a leg to fight the decision in a Billings court, and although they won the case it reaped the pocketbooks of those who were trying to keep their heads above weather without any extra hassle. This affects our rain street economy.

One of the toughest hassle of all was the Bitterroots Wilderness proposal that irrefutably affects land values for the private landowners who depend on the Bitterroots area to keep their ranch operations viable. No one in the county wanted wilderness, and finally the BLM came to the same conclusion. At this point, it really doesn't matter whose waiting in the wings to jump in and restrict the use of the same chunk of land the area of criminal environmental concern prompted designation.

We use a little magic in our printing!

335A

the glasgow courier
and courier printing

Phone: (406) 228-9301
Home: (406) 228-8266

P.O. Box 151
341-3rd. Ave. S.
Glasgow, Mt 59230

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We urge that especially careful groundwork be done to truthfully reflect the economic effects of any decisions that touch Valley County. Our people are battle weary. If a stay of execution (extending the deadline date for comment) is not forthcoming from the Department of the Interior, we want you to know we back the county commissioners' proposal to be a partner in the EIS planning process because surely that will curb down the odds that we will be burned again.

The current deadline for December certainly reflects only a benefit for the federal government. In July, when the document was issued, the ranchers are tuning up for haying and other harvesting operations which go along through August and into September. There's hay to be hauled, roundups and cattle sales, pushing right into the holiday season.

It would make more sense to issue a document in January and end the comment period in April or May. That's the slow end of the real world in ag country.

We want to complement the crew on the ground now at Valley Resource Area, BLM, they have been cooperative in every way with the newspaper, and as we understand, with the people using the public lands here.

Hopefully, you can understand why the people of Valley County are spooked by government plans and EISs because most often the finished product does not enhance the life of the people of Valley County, mostly sapping some of its value forever. We've been had too many times by federal agencies.

Sincerely,

Joan B. Holland

Joan Holland
Publisher

We use a little magic in our printing!

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conoco

Exploration Production, North America

R.L.D. (Dan) Bice
Supervisor Environmental
Safety and Training

Conoco Inc.
600 Stewart Court
Casper, WY 82601-1311
(307) 261-7800

December 11, 1991

Mr. Jerry Majerus, RMPEIS Team Leader
Lewistown District Office
Bureau of Land Management
P.O. Box 1160
Lewistown, Montana 59457-1160

SUBJECTS: Draft RMP/Environmental Impact Statement
Judith - Valley - Phillips Resource Area
Lewistown District

Dear Jerry:

Thank you for the opportunity to comment on the subject draft, RMP/EIS. Conoco recognizes that such planning activities of the BLM can have a very significant impact on the future of the oil and gas exploration and production industry. Specifically, we feel that it is in the best interest of the majority of the public that BLM management of public lands does not unnecessarily restrict oil and gas operations. To this end, we offer the following comments for your consideration.

In general, the BLM has done a good job of presenting important planning information to the public. However, we have several concerns regarding stipulations and their application.

D-2 We are principally alarmed by the increase in lands subject to special lease stipulations. The BLM has increased the imposition of special stipulations by over 2,000 percent. While it may be that due to regulatory changes BLM does not have the latitude it once had to impose mitigation measures on lessees, we are fearful that the BLM intends to overly restrict oil and gas activities without proper justification. Use of special stipulations must only be used when standard terms and conditions prove to be inadequate to protect the resource.

An example of our concern relates to the use of restrictive stipulations to protect visual resources even in areas where management objectives allow moderate to major modification of the existing character of the landscape. BLM has indicated that it intends to use the Controlled Surface Use stipulation on all Visual Resource Management (VRM) classes except Class I, which would be subject to a No Surface Occupancy (NSO) stipulation. We object to the use of the Controlled Surface Use stipulation in VRM Classes II and IV.

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December 13, 1991

BLM
Lewistown.
Att: B. G. Miller, District Manager

I wish to express my objections regarding the Judith Valley Phillips Resource Management Plan EIS draft dated 1991 -

I own part of a patented mining claim - the Hendricks - and have no intention of selling.

I grew up at Belden - Collar Gulch has been a part of my life - and my family's - We do not see the need for government taking over -

/s/ Selma W. Henley
1000 Pt. Terrace Dr.
Lewistown, Mt 59457

My son Jerry Henley expresses in detail objections point by point - I concur with his statements.

(Typed exactly as received for reproduction in the final RMP/EIS.)

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Mr. Jerry Majerus
December 11, 1991
Page 2

Standard lease terms and conditions, which specify that operations can be moved up to 200 meters, should be used for these VRM classes since they provide the BLM with adequate management discretion to sufficiently protect visual quality.

Another area of concern relates to BLM's proposal to expand elk and bighorn sheep habitats. Obviously, an increase in habitats will result in an increase in restrictive stipulations. But an even greater concern is that several areas where BLM has proposed expansions specifically include areas identified as having high potential for future development. Precisely, the areas north of Winifred, around Cat Creek, and along the Judith Mountains identified as having high potential for development have also been singled out for elk and sheep habitat expansion. We oppose habitat expansion in these areas and recommend that BLM modify its habitat expansion proposal to eliminate future conflict between wildlife and oil and gas instead of endeavoring to create new conflicts.

We are also concerned about the stipulations used to protect sage grouse leks and nest areas. BLM indicates that NSO will be used within 1/4 mile of sage grouse leks and nesting areas to provide for maintenance of grouse populations ! n the area. The need for NSO stipulations should be periodically monitored in these areas to ensure that grouse are still using the stipulated area. If they are not, the stipulation should be dropped from the lease.

We support BLM's decision to reduce the winter range restriction by six weeks. While the BLM has indicated that is timing restriction would not protect winter range during severe winters, this may not be a significant concern. If at some point in time winter conditions are in fact severe, such as deep snow and harsh subnormal temperatures, it is highly unlikely that operators would begin new drilling activities. Moreover, such conditions are unlikely to prevail longer than 60 days, the time frame BLM may restrict activities under the standard terms and conditions of the lease. Consequently, in our view, very few, if any, new impact from oil and gas activities would occur.

D-13 The map which identifies where lease stipulations will be applied needs to be clarified. This map indicates special stipulations would be required in areas where there is no federal acreage. BLM has stated in the document that the plan only applies to lands under its jurisdiction. Therefore, it is important that the stipulation map be limited to BLM acreage analyzed during the planning process.

BLM has indicated that may of the lands identified for acquisition have moderate to high potential for oil and gas development. Thus it is not appropriate to assert that the only negative impact would be minor additional administrative problems associated with permitting activities. The increasing difficulties of conducting oil and gas operations on federal lands are rapidly becoming prohibitive. The administrative problems associated with operating on BLM lands are such that companies are becoming mired in a morass of

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Mr. Jerry Majerus
December 11, 1991
Page 3

procedural requirements and/or appeals by opposing interest groups. In other words, the impact of BLM acquisition of high potential lands could be very significant.

The statement of Page 2/6 that oil and gas leasing and development would have no impact to social well-being is objectionable. Impacts to social conditions have been described as impacts which would enhance or diminish social well-being for recreationists, ranchers, and the local business community. Page 140 indicates that production from federal leases accounts for an estimated $13.4 million in economic activity, $1.8 million in earnings and approximately 89 jobs. If additional acreage becomes available for oil and gas leasing and 50 new wells are drilled each year, all and gas activity would have a beneficial impact on the economy and social well-being of residents that cannot be ignored.

A. L. G. Risso
Supervisor, Environmental,
Safety and Training

ALG:flcrs\121191

cc: Robert Hardin
SR File
R. S. Whitelaw

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David and Jackie Holmgren
PF Ranch
HCR 83 Box 33
Winifred, MT 59489
406-462-5665

Dec 14, 1991

COMMENT FORM FOR DRAFT JUDITH VALLEY PHILLIPS RMP.

Below we have listed several area's where we feel, as ranchers, threatened by the JVP RMP. We do not believe that the JVP RMP will be in the best interests of Montana or citizen's of the state of Montana, or the bread and meat eating citizen's of the United States.

1) Government should not be in the realestate business within its own confines. The BLM should not be allowed to take donations from special interest groups to purchase property from individual land owners. The system of free enterprise is damaged as average citizens cannot compete. The realestate market for ranches has already felt the impact of studies such as the JVP RMP (private property is clearly delimited on maps as being sought after, in the RMP), which creates uncertainty in the market. People are now concerned whether a ranch that is based on or contains BLM land would be worth purchasing or holding on to.

2) Many ranchers/farmers in Montana and the west will cease to exist if cow numbers are cut back or lease fees increased, to the breaking point, on BLM lands.

3) Is the economic analysis in JVP RMP as good as it could be? Is Wendy Pavinger, with a BA in Economic's, a qualified enough person to have handled such a project with so much underlying effect on native Montanan's?

Revenues from tourism in Montana are generated primarily from June through August, and October through November. No mention of this is made in the RMP. However, Pavinger does mention that fluctuations in the agricultural and mining industries are offset by tourism (pg. 140). The main trade centers for tourism, as noted by Pavinger, are Lewistown, Malta and Glasgow. How then, can these be accurately assessed for BLM lands contribution to tourism revenue? Certainly not as accurately as that for farms/ranches and mining/forestry. As travel agents have predicted most tourism takes place within 50 miles of the nearest freeway or main artery and very seldom off of the pavement. This does not make sense that useful BLM lands should be withheld for the majority of tourists who never see them, or care. As mentioned, but not under Tourism and Recreation, the mining and forest industries also contribute a share of "tourism", only these people aren't here for a lark.

X-1 I would like to know why Pavinger thought she had to mention the amount of revenue generated by Tourism and Recreation for 21 counties in Montana? We didn't see the figures for revenues generated for the same 21 counties under Agriculture. Dropping these kinds of figures into the report is misleading to the public who may not read the fine print. Also, the idea of Montana as a ranching state is one reason

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December 5, 1991

Bureau of Land Management
Montana State Office
Billings, Mt. 59101

Dear Sir:

I am very much opposed to the introduction of the black-footed ferret in Montana. At present time, we have a never-ending job of keeping the prairie dogs out of our hay meadows. They are also invading our range. With ferret introduction, the 26,000 acre block in either area of 1, 2 and 4 would certainly interfere with my ranching business. I have a large investment building up a ranch to make it work with the public domain. It did take a lot of hard work to make a workable unit. It is hard to believe that some day our federal government would change it to a prairie dog farm. The value of my ranch has already gone down and too, who would want the ranch now if I tried to sell? We are being overrun by prairie dogs now and I can't understand why we need more just for the sake of another rodent- the prairie dogs do multiply and if lot of control is not done it will be again the same as sixty years ago and that was a hell of a mess. It was virtually one dog town from the UL Bend to Bortman. Where was the ferret then?

The country has financial problems - with schools, hospitals and more, but always money for the upkeep of rodents and we don't need them.

We have a program set up by the BLM which is working, and any change due to the ferret will not be better, I am sure.

Note the attached map of Phillips County.

Yours truly,

John A. Matovich

Attachments are available for review in the Lewistown District Office.

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many people come here, they might not get off the pavement in Lewistown, Malta, or Glasgow but, to see a local rancher, in a cowboy hat and work clothes while they are there, is a novelty that they came here with a vision of. Cutting the rancher/farmer out will only hurt tourism and hunting.

The revenue generated by Recreation in terms of hunting and off road vehicle use should be adjusted to show the contribution of the agricultural community by their "production" of wildlife on private lands, and also the need for compensation for damaged spreading noxious, damage to personal property, livestock fatalities due to hunting, and trouble between landowners and hunters) caused by off road vehicle use and hunting.

These are but a few problems we had with the Economic Conditions of the JVP RMP (pages 137-144). Seven pages seem an awful small amount when talking about the livelihoods of Montana families and citizens, in a monograph 429 pages long.

5) The JVP RMP has five alternative plans. Plan A is the current plan or system now employed to manage BLM lands. We attended the Winifred meeting and when Chuck Otto was asked the question "why not just stay with Plan A?". The answer was given, that, that just wasn't going to happen, the BLM has too much pressure on it from special Y-1 interest groups for different ways of managing the BLM. Our question is then, why is Plan A even in the JVP RMP? It seems to us that the Lewistown District Office is serving false answers, we biased against Plan A even before the JVP RMP was written, that is truth, there are only four alternatives and perhaps, only one. The concept that there is a choice, may in reality, be a sham.

6) Off road vehicle use is an issue that we feel has been over done. We have run cows on and thus ridden on BLM lands south of Cleveland, MT and adjacent to the Missouri River that has a roadgrader maintained success into it. The whole time we rode this country we saw only a handful of vehicles on this property, even during the hunting season. This area is noxious weed free, however, we did find one Spotted Knapweed plant growing right in the center of the roadway. We pulled this plant but knew that it wouldn't be long before more Knapweed would be drug into this wonderful pasture through vehicle use.

It seems that many off road vehicle users also have a vendetta against nature rather than a love for it, as evidenced by wheelies, crosscountry travel when the road is available, and litter.

Many supposed hunters never get out of their vehicles, but shoot at animals in high speed chases in there pickups and four-wheelers across country. This in not right, off road vehicle use encourages this kind of abuse to animals (possibly not only wild animals) and to the land.

Q-7 7) We wish that a picture of livestock would have been included on the front cover of the JVP RMP. Perhaps this was an over site but. Somehow it portends of things to come.

8) The reparian and wetlands issue is also scary to us. The BLM, we believe, would have to much power on a subject that is still little understood. And the only ones to suffer for it would be the rancher, farmer, forester, and miner. Note the gross injustices already

340B

perpetrated by the US government in managing the National Wetlands Conservation Program.

9) The BLM and State Wildlife departments must work together, with the state taking the lead in improving wildlife habitat, not the BLM. The condition now appears to be that one acts and then the other trys to react, with no coordination between the two, no planning. The rancher/farmer, resides in the middle, having to absorb the losses imposed by the bureaucrats, who never seem, in all of their great studies, to find a place for the rancher/farmer in the ecology, except for them to support more wildlife on their property free of charge and damages.

10) There are many parts of the ITT RNP that scare us, the rural Montanan, who lives on the land and makes their living from it. Above is just a few of our worries. We may be a minority, but, we are they who choose to stay here, year in and year out, bad or good. We see this land as something other than the playground of the urban United States, who come when they feel like it, look at or hunt wildlife that runs on our deeded land as well as the BLM lands, and then retreat to their jobs in the cities and towns, where they enjoy the comforts of the modern world. We are not trying to reclaim all of the beautiful agricultural, historic, and once wilderness land that has went to urbanization, we are not trying to kick them off of their land.

We are family oriented people, we plan to stay in ranching as long as we can make a living at it. The Holmgren's have been in ranching since 1879 when our Great Uncle homesteaded outside of what is now Columbus, MT. We believe family life is deteriorating in America and farm and ranching is one of few places where children have a family that works together, mom and dad are both home. These children actually know where their food comes from and the work it takes to produce it, these children are active in 4-H not gang wars, these children learn responsibility at an early age, these children have roots, these kinds of values are still being taught in the rural west. Please don't let the rest of the country push us off the land simply for their leisure pleasure under the guises of wildlife protection and "lets Preserve Montana". Montanan's have already preserved Montana, it's the outside influences that will eventually kill it.

Signed,

David O. Holmgren

Jackie A. Holmgren

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#311

Dec 12, 1991

Bureau of Land Management

We want our land left in it's present condition from the Bureau of Land Management's Draft of the Resource Management Plans

Township 16 Range 14
Section 17, S½SW¼, SE¼, SE¼SE¼
Section 18, All E½, E½NW¼, SE¼SW¼, E½SE¼, SE¼
Section 21, All E½
Section 23, SW¼SW¼, SW¼NE¼, N½SE¼
Section 27, E½E½SE¼, SE¼SE¼, E½SW¼SE¼, NE¼NE¼, NE¼, NE¼SE¼
Section 32, PT SE¼SE¼, NE¼, NW¼SE¼
Section 33, All E½E½, SE¼NW¼, E½SW¼ E½SE¼
Township 15 Range 15
Section 4 PT LOT 4

Sincerely,

Jacqie Holmgren

R. Gordon Holmgren

R. Lee Ford

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Comment:
Draft
Judith, Valley, Phillips
RMP/Eis Statement

I feel the effects of the draft is very negative to the economy of Phillips County and to the lifestyle of the local farmer and rancher in spite of what is shown to be the case in the draft,

Recreation may not increase to the extent you think. We are not on a secondary highway system, not on the interstate or close to a National Park.

Therefor I think Alternative A (current) is the preferred alternative.

Yours truly,

Norma Kelly

Norma Kelly
HC 65 Box 6210
Malta, MT 59538

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David Skiff
HC 65 Box 6080
Malta, MT 59538

Comment:

Judith, Valley, Phillips
Resource Management Plan
Environmental Impact Statement

After reading the draft I feel the impacts on the local economy is going to be very negative.

Therefor I favor Alternative A (current) in almost all cases. Alternative B could be implemented in a few cases. This would protect the social well being of local residents, and they will be able to maintain their current lifestyle.

Yours truly,

David Skiff

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Montana Stockgrowers Association

Serving Montana's Cattle Industry Since 1884

420 N. California
Post Office Box 1679
Helena, MT 59624
Phone: 406/443-3183
Fax: 406/449-5192

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Cascade

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Big Timber

December 13, 1991

Mr. Gene Hiller, BLM
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Hiller:

The Montana Stockgrowers Association, Montana Public Lands Council and the Montana Association of State Grazing Districts would like to offer the following comments in regard to the Judith Valley Phillips Resource Management Plan.

Issue #1: Land Acquisition and Disposal

Many of our members are concerned with the amount of highly productive private land identified that meets acquisition criteria versus marginal BLM acreage available for exchange. While it has been explained the acquisition and disposal process will be between willing parties and the large amount of private acreage identified is due to the possibility of a lack of willing partners, there is concern over BLM's real objective in identifying such a large amount of acreage for possible acquisition.

We realize there is growing public interest in having the government own more land. However, BLM Director Cy Jamison has the policy of no net gain of federal lands. Any acquisition plan must comply with this policy.

We are very concerned with any proposal for more land acquisition for elk habitat when consideration should first be given to population management of wildlife. Even though the State of Montana is responsible for population control, very little has been done to address this problem. The BLM needs to sit down with the state and determine realistic population goals and habitat objectives. At the present time, the sky seems to be the limit.

This issue of land acquisition and disposal needs to be re-evaluated and the concerns of the landowners need to be answered before moving forward.

The preferred alternative states a reduction of 2991 cattle. This reduction will have a negative economic effect on, not only the ranchers themselves, but on the economies of the local towns. The BLM must realize the ranching industry is a constant and stable aspect of these counties. Any reduction in livestock AUM's or the removal of private land from production will only hurt the people who have managed both public and private lands and who have improved the condition of these rangelands according to the BLM.

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manage the forage and we would encourage the use of livestock in these areas to help with wetland management.

F-20 We feel the BLM should closely look at the logic of excluding herbicides and prescribed fires in the wetlands complex. Some form of weed control will be needed, because weeds will eventually grow. When and if noxious weeds occur, the BLM should be required to control them as is everyone else in Montana.

Issue #3: Elk and Big Horn Sheep Management

As was stated previously, in regard to elk management, the first criteria should be population management of wildlife. It is premature to discuss habitat until population limits have been identified.

Issue #5: Prairie Dog and Black-Footed Ferret Management

Many questions need to be answered before we can even consider supporting this issue. Questions such as 1) funding, 2) the establishment of a non-essential, experimental population of ferrets, 3) prairie dog control, 4) the assurance of private property rights protection, 5) the assurance of the continuation of livestock grazing, and 6) range improvements to provide for more forage to keep the livestock AUM's constant.

H-30 In addition, the law requires an economic and social analysis be completed when critical habitat is identified for a threatened and endangered species. To our knowledge, we do not know of such an analysis.

Issue #10: ACEC's, Areas of Critical Environmental Concern

It is our opinion the designation of these areas is the creation of defacto wilderness. In regard to the Azura Cave ACEC, if this area is advertised is there any assurance that what the BLM is trying to protect, i.e. bats, will not have so much public attention drawn to it the bats will be driven away? It appears that special interest groups have had an inordinate amount of input in identifying these ACEC's.

We would like to thank the BLM for this opportunity to comment.

Sincerely,

Jim Courtney
1st Vice President
MT Stockgrowers Association

Walt Collins, Chairman
MT Public Lands Council

Mark Davies
Mark Davies, President
MT Assoc. of State Grazing Districts

RK/lm

345A

Z-2 We also understand that maps identifying lands are incorrect. These need to be corrected.

A-9 It is stated that any acquisition will be on a willing party basis, however, condemnation by the federal government has been used in the past. Will it be an alternative in this DMP for acquisition? While landowners have been assured condemnation will not be used to acquire private lands declined for exchange, this plan specifically needs to say this.

A-3 In regard to the private lands identified for acquisition, who identified the acreage and were the private landowners involved in this process? If not, A-7 this is a terrible abuse of private landowners and their private property rights. Were outside groups involved in lands being identified? And if so, who were they?

Management of BLM lands is very important. Many times we hear the concern raised by the BLM as to lack of manpower and finances to keep up with lands and programs presently operating. Acquiring more lands and developing more management options, which need more manpower and money, will not decrease this concern. It will only require more and more manpower dollars.

We are also concerned with ranching operations being disrupted if a party, who is in another part of a county or who is not the permittee, trades private land for BLM land within another ranchers allotment.

If the landowner indicates he is not willing to sell or trade, the record of decision should not include these acreages or they should be eliminated from further consideration unless proposed by the landowner.

Issue #2: Access to BLM Land

The Bureau needs to monitor this proposal very closely. When more roads are established, there are more costs associated with management and maintenance. The BLM will need monetary resources which may lead to the possibility of taking funding from other projects.

Increased access could also lead to more weed spread, game displacement, and disturbance of other uses of the resource.

B-1 These questions should be asked: 1) are there other roads where access is B-2 already available, and 2) will additional access actually benefit the resource?

Issue #3: Off-road Vehicles

Off-road vehicle use, as well as access to BLM land, should be handled on a case-by-case, area-by-area basis. Meeting and working out a solution through communication and cooperation is the best way to settle these problems instead of a blanket policy.

Issue #7: Riparian and Wetland Management of Watersheds

We appreciate that livestock grazing will be used as a tool to meet the objectives of riparian and wetlands. We would caution, however, that the definition of wetlands has not been determined and is still being discussed among many agencies, organizations and people. The BLM and the livestock operator must work closely together when developing a management plan in the area.

In several places it is mentioned livestock forage allocations would be granted on newly acquired land if they are compatible with wetland management objectives. It has been documented that properly managed livestock can help

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December 13, 1991

From:
Gene Horyna
General Delivery
Roy, MT 59471

To:
Bureau of Land Management
Lewistown District Office
PO Box 1160
Airport Road
Lewistown, MT 59457-1160

To Whom It May Concern:

I would like to comment on the recent Draft of Judith Valley, Phillips Resource Management Plan and Environmental Impact Statement.

The draft has several areas of concern to myself as a rancher, land owner, BLM land user, and a citizen.

1) Land acquisition and disposal:

I cannot understand why the Federal Government feels that more land under federal ownership is necessary. As the draft indicates, there are thousands of acres in Fergus County targeted for acquisition by the BLM. Fergus County already has far more federal land than is necessary. The tax value for the school district we live in is made up of very few tax paying land owners. I understand that the BLM, on a voluntary basis, does A-6 reimburse the various counties for tax payments on federal land. This has A-11 been an area of uncertainty in the past. What will happen if the BLM becomes the owner of thousands of more acres? This spells one thing to the taxpayer: disaster.

The disposal of BLM property has many implications, none of them appealing. Trading property seems to be what disposal of property will involve. This may be fair, however, who will appraise the value of the A-15 properties traded? Will we have to settle for whatever a government agency thinks is fair? Any land that is to be acquired by the BLM must be done in a manner that will not place undue financial pressure on the parties involved.

346A

F-27

2) Riparian Habitat:

The management plan indentifies potential riparian habitat areas. What are the requirements to meet the preservation of riparian habitat? Fencing cry creek beds so livestock cannot damage so called stream beds is not acceptable. Developing water conserving structures (ponds, earth filled dams, etc.) for riparian habitat and livestock watering (with limited access if necessary) are much more practical solutions.

3) Endangered Species:

This is a very serious issue. Apparently any land, private or public, identified as habitat for an endangered species will probably be used for the preservation of that species and nothing else. This will cause undue hardship in the form of reduced grazing and land use. This in turn will cause tax base loss for local government, business and schools. I live in a school district which has large tracts of land under federal ownership. The tax base is composed of few land owners. This makes for some of the highest taxes in the county. History has proven that ranchers are the best stewards of the land. Chances are very good that they will do their very best to aid in the preservation of such habitat, however they will inevitably bear the brunt of the economic loss.

In conclusion, I see no real need for more federal land ownership. In some isolated cases, land trades or disposal may be beneficial to both the public as well as the BLM. Both riparian habitat and habitat for endangered species are probably issues that can be resolved with a great deal of compromise between the federal government and public land uses. The present draft does not take into consideration the vast economic impact which will eventually affect much more of Montana than the study areas.

Thank you for reading my concerns on this subject.

Gene R. Horyna

Gene R. Horyna

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Northwest Federation of Mineralogical Societies

2516 - 15th Ave. W. #204
Seattle,WA 98119
December 11, 1991

David L. Mari
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Mari:

Enclosed is our review of your Draft Judith Valley Phillips Resource Management Plan and Environmental Impact Statement, dated July 1991.

We greatly appreciate the opportunity to comment and hope our efforts will assist you in your responsibility. Our 5000 member Federation of clubs and their members is committed to furthering interest in the areas of earth science, lapidary arts and crafts and out-of-doors family activities, as well as multiple use of our public lands.

To better acquaint your office with our organization and to up date your files, I have also included a copy of our Federations Code of Ethics, our Land Use Policy and a copy of collecting rules we have been publishing in our Federation for the last several years.

We hope this information is of value to you.

When the final Land Management Plan is available, I would like to have a copy sent to me. I would like to review it and have a summary of that review published in our newsletter.

Sincerely,

Jon Spangle
President

Encl:

Attachments are available for review in the Lewistown District Office.

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THE ENVIRONMENTAL MEDIA CENTRE

An Institute of the Hughes Project
Box 9363, Missoula, MT 59807
200 E. Front, Missoula 59802
(406) 728-9380 FAX 543-4232

Gene Miller, District Mgr.
BLM
Box 1160
Lewistown, MT 59457

Dec. 13, 1991

Dear Mr. Miller: Re: Judith-Valley-Phillips RMP Draft EIS

State management of the wildlife resources have all but ignored the role(s) of habitat/wildlife corridors, the ecosystem concept(s) of habitat integrity, and multi-species management. It seem to me that the BLM approach in this EIS makes the same mistakes. It fails to look at the integrity of the region as well as the individual species--it focuses only on the high-profile species, failing to consider the countless small plants and animals unique to the area, and their cumulative role in making the Judith-Valley-Phillips area what it is.

This area is part of the Big Dry, the big open areas of North America, and has unique characteristics which make it an ecosystem, in a professional/scientific sense. You should start from that premise. If you can make statements just like your not considering all aspects of the riparian complexes, e.g., the role(s) of water impoundments/reservoirs/stock ponds on the riparian systems and drainage patterns. Each pond creates long-term or permanent changes in the riparian condition, and probably the ground water/aquifer table condition as well. These changes are profound, in an area characterized by dryness. Think, especially, of the small, relatively isolated, plant and animal species, their communities, their habitats.

Ultimately, it is time that land managers, agricultural interests, and the residents of the big Dry/Big Open area preserve what little there is of North America has a great agricultural future. It does not. It has a great future, but it is tied to natural conditions, wild species, and an economy shifted to emphasizing space, wildlife, hunting, recreation, life style, native American values, culturally and environmentally sensitive tourism, also. Some EIS seem to be more useful, if built from such premises. The economies, populations, and future prospects of the Valley-Judith-Phillips area have been steadily downward. The decision-making steps in this EIS, I think, are designed to continue this trend, primarily because it starts with the wrong values and premises. The EIS does not accept the over-riding parameters dictated by the climate, the geographic location, the transportation problems, or the values "outsiders" of the United States and the world see in the open space and life styles inherent to the area. If I were in your position, I would give the entire EIS what I call the "50 year or 50 year test"--how do all of these considerations look 50 years in the future, given what is happening on a global scale? In a world with 10 million people? In a world with rapidly degrading air, climatic, water, space, and life style standards? In a world with Billings at 4 a million people, Calgary at 2 million, and Missoula at 300,000? To me, those are the considerations which should set the outer limits of any EIS. That is the real world we face.

Charles Haynes, Director, TMC

348A

Northwest Federation of Mineralogical Societies
Public Land Advisory Committee
Review of:
Judith - Valley -- Phillips Resource Management and EIS Draft Plan.
July 1991

The Northwest Federation of Mineralogical Societies (NFMS) Public Land Advisory Committee (PLAC) has reviewed the above Draft Plan and would like to make the following comments. The review was conducted with limited personal knowledge of the area and done in support of our Societies commitment to the "Multiple Use" concept in the management of Public Lands.

We were pleased to note the intent of the three Resource Areas to continue to "allow exploration and development of leasable mineral resources (metalic ores, gemstones, etc.) on public domain land" (page 113) as well as access "for study of unique geological features" and for casual invertebrate fossil collection without a permit (page 12). Though "recreational rockhounding" was not specifically

T-1 mentioned in the text, we would conclude that field collecting activity by our members and their families, that does not violate existing Laws and Federal Regulations, will be a part of the overall recreational activities that the District will encourage.

In examining the several Alternatives outlined in the Draft Plan, we found only a few proposals that were objectionable and we feel that our membership is generally supportive of the Preferred Alternative "E" as a reasonable compromise between the multiple use and preservation goals. However, we would like to point out our feeling that "Multiple Use" as a stated goal is less obvious in the new plan, something we have observed in all of the management plans we have had the opportunity to review. We find this of some concern.

We would want to encourage the District in any efforts to improve access to BLM managed lands, including support of the "willing seller" purchase of land, as well as, disposal of lands which do not meet the management needs or objectives of the District. Especially where such activity would improve the continuity of the Districts land area.

The majority of our members recognize the need for ORV regulation and support closures when and where necessary to to protect the land resources.

Natural resource development policy seems appropriate in Alternative "E", as do most of the environmental and wilderness policies and plans.

The Areas of Critical Environmental Concern (ACEC) that would be set aside seem reasonable except for the South Moccasin and Judith Mountain Scenic Area ACEC which seem to lack justification. We would wonder if such designation is necessary because of the BLM reclamation and mining operation plan approvals necessary to operate a mining operation. We are also confused by a statement

D-14 on page 134 regarding this area and its "low potential" for oil and gas. The Judith Mountains appears to be in a "high potential" oil and gas area on Map 3, Side A. We did have difficulty locating a map of the exact boundary of the Judith Mountain section of this ACEC.

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Recreational opportunities are an area of keen interest to our members and we were sorry that we could not find recreational rockhounding mentioned in the recreation sections of the Draft Plan. The quartz collecting location on Judith Peak Road was noted on page 10, and the statement on casual invertebrate fossil collection on page 12 were very welcome statements to read. Petrified wood, gypsum, and minerals are also collected in the District.

We would recognize the section of "partnerships" with organizations in the Recreation section (page 18) as an opportunity for our members to work with the District Managers to improve the recreational opportunities and we will suggest to our local members that they consider working in this area. Members in other areas have installed comfort stations and the like on BLM land in the past. We would hope that language would be kept as part of the final Plan.

Two additional minor observations are:

1. We suspect that changes in 43 CFR 3809 surface management regulations currently under consideration may affect the implementation statements under Non Energy Mineral Resources on page 10. We understand that the 5 acre threshold is likely to be revised as is "casual use" of mining claims.

T-2 2. We noted the closure of the Montana Gulch Campground, and could find no explanation in the text. Perhaps it is part of the Azurs Cave ACEC Proposal, or a result of the current Landsway mining operations.

We appreciate the opportunity to review the Draft Plan and found it relatively easy to read and understand, and would congratulate the preparers. We also hope our comments have been in some small way helpful to you in reaching your final policy statement and Plan.

Reviewed by:
Jon Spunsgle
4788 Flat
12-1-91

349

December 10, 1991

B. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

I have reviewed the draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement. My comments will focus specifically on prairie dog habitat management as outlined in the plan.

First, the Bureau should be commended for several actions favorable to conservation of prairie dog ecosystems within the Phillips Resource Area. Designation as ACECs all prairie dog colonies on BLM land identified for reintroduction of the black-footed ferret (BFF) is both relevant and important to recovery of the endangered black-footed ferret, and therefore is warranted. Second, No Surface Occupancy stipulations for oil and gas leasing within the area designated for ferret release (the "7km Complex") are appropriate given the potential loss of prairie dog habitat from roads, drill pads, and extraction facilities. Finally, it is noted that BLM's Preferred Alternative E for the Phillips Resource Area provides the highest commitment of BLM ownership to maintenance of prairie dog ecosystems of all alternatives presented.

It is, however, critical that the Bureau recognize that there is a great difference between designating habitat under the "7km rule" used to define BFF habitat, and managing that habitat. The 7km Complex model does not purport to create a biologically viable system. The habitat suitability models for BFF habitat produced to date have had but one objective in mind: to rank, on a comparative basis, potential reintroduction areas. They presume, as an underlying feature of the models, the distribution of prairie dogs at a point in time will remain constant. This is appropriate for ranking a number of sites for which objective criteria are needed. However, the prairie dog ecosystem is highly dynamic; prairie dog colonies expand, contract, go extinct and recolonize over time. It is not enough simply to describe the geographic extent of existing habitat.

349A

Recent work by Klebanoff et al.[1] and Lamberson et al.[2] leads to the conclusion that spatial heterogeneity of prairie dogs is likely to inject a great deal of stability into a managed system like the one BLM proposes in Phillips County. The system's stability depends on a contagious distribution of colony sizes and interspersion over time. In other words, the most stable system is one in which there is a normal distribution of such variables as colony size, colony interspersion, prairie dog density and so forth. The implications for management are that some activities which BLM proposes could have significant effects which at first glance seem counterintuitive.

For example, the way in which prairie dog shooting is managed may have profound effects on stability of the prairie dog/BFF system. If the shooting program is managed on an informal basis, the most likely response to that system will move from colony to colony when shooting efficiency declines to some point of diminishing returns and so on. The result is that such activity will severely narrow the distributional range of individual colony population densities, producing essentially uniform densities among colonies over time (assuming those colonies are not over-cropped). As a result, some of the complex-wide dynamics, such as recolonization of senescent or extinct patches, may not occur due to lack of population pressures, or conversely, local patches may be driven more quickly to extinction by immigration driven by inhereding avoidance.[3] Further, it is possible that low ferret birth rates could result from colonies whose prey availability was limited, and this has been shown to be highly deatabilizing.[1]

Further, although the 7km rule indicates what habitat should be included in a delineation of BFF habitat, it does not purport to address, within the complex, which habitat patches (colonies) are biologically significant. Work with biological systems on archipelegoes, extinction probabilities based on patch size, and a host of other recent work with metapop indicate that the shape and location of patches comprising the habitat are critical to the likelihood of persistence of patch and metapopulations. The conclusion is that the further from what might be termed the

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[1] A.Klebanoff, S.Minta, A.Hastings and T.W.Clark. 1991. Age-Dependent Predation Model of Black-Footed Ferrets and Prairie Dogs. SIAM J. Appl. Math. 51:1053-1073.

[2] R.H.Lamberson, M.Butler, R.VanKirk, C.Voss. 1989. A viability Assessment for an Isolated Black-footed Ferret Population at Meeteetse, Wyoming. Unpubl. Msc., Env. Systems Program, Humboldt State Univ., 61 pp.

[3] J.Hoogland. 1982. Prairie Dogs Avoid Extreme Inbreeding. Science 215:1639-1641.

BLM EIS -2

349B

"somatic center" of the habitat one travels, the less important that habitat becomes in terms of its usefulness in providing a stable core for the population. This is particularly so in this case, where the population is small and isolated and there is no source or sink populations of either prairie dogs or ferrets outside of the system. Thus, it seems the effects of management are likely to be much more significant near the "core" of the habitat than near the margins or at the end of long archipelegoes, this suggests that management that may impact prairie dog distributions are better planned in those areas than near the core.

Based on the above, I have the following comments with respect to the Phillips management area prairie dogs:

1) The Complex geography suggests that colonies south of T 26 N as a group are going to be much more significant biologically to both prairie dogs and BFF than colonies such as R-004 at the end of long archipelegoes. Management in this zone should reflect the importance of these colonies and a distinction in management should be developed between this and the core.

2) BLM should provide, within this core zone, areas in which manipulations such as shooting, poisoning and so forth are excluded so that variance in the distribution of colony attributes is provided for, i.e. so that some individual colonies will have high densities and some will not.

3) Positive mitigation should be directed into the core area and negative mitigation to the outlying areas.

4) Activities involving prairie dog shooting and poisoning should be directed at the perimeter rather than the center of the Complex.

Finally, BLM should address the following issues:

H-13 1) Lead contamination and secondary poisoning of predators like black-footed ferrets when shooting is heavily concentrated is a very real threat given the level of shooting activity and the number of prairie dog carcasses left on the surface. BLM should address this problem.

2) BLM's assertion that it is "managing" for 71 acres out of a total of 700,000 ac on the Judith Resource Area and the implication that it is thereby providing some kind of wildlife benefit associated with prairie dog ecosystems or biodiversity is misleading and seems to be offered as a thinly veiled justification for BLM to poison prairie dogs. Prairie dogs would probably be better off if there was no target level to drive a poisoning program and control was conducted on an ad hoc basis, because clearly the aim of this acreage is not likely to contribute in any real way to biodiversity within the Resource Area and can only serve to create demands that BLM control prairie dogs.

BLM EIS -3

349C

A-8 3) The land-exchange program within Phillips County targets for disposal lands that contain prairie dogs (e.g. R-004, R-035, R-023, etc.). BLM should reconcile these proposals.

Thank you for the opportunity to comment on your plan.

Sincerely,

Steve Forrest
2008 E. Calhoun St.
Seattle, WA 98112
(206) 328-5558

BLM EIS -4

350A

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
JOHN [redacted] HUBNER	[redacted] PLATEAU LOW STAR ROUTE HAVRE, MT 59501	[redacted]

land acquisition - I support the use Not Trade policy. Low priorities on lands for acquisition Blaine and Phillips County. The provisions shall leave Right of Refusal on lands listed for Disposal. First and last Refusal. Also the inclusion of Tax and Buying process over Bid Tax Section holds the money for Two Years.

A-8

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

350

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
John Hughes	Box 365, Hi-Line Rest. Rt. Rt. Rounder, MT	4/13/91

Being on the Advisory Board has brought me in contact with many people on many issues. Almost unbelievably the people are cognizant. This RMP I will look at from latest on each individual subject. It looks like a matter of how to use. The people don't trust the BLM & the BLM don't trust the Permittees To do this Job of managing. The load is a Multiple use concept. This plan was not a bad plan when they were trying to Raise our grazing Fees which made Sick Book. I support the alternative To leave the RMP as it was before. This should

John Hughes

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

350B

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
JOHN [redacted] HUBNER	[redacted] PLATEAU LOW STAR ROUTE HAVRE, MT 59501	12-13-91

Access To BLM lands.
The Rights of Private property will probably be effected by your decisions. Road access will be most hard on a smaller Ranch. Would like to see more trades & selling of Isolated tracts. When I say Isolated I mean land you don't have access to and can't agriculturally use up to several thousand acres not just small chunks, mostly with the permittee. Off Road Vehicle Use - Would like to see Well Defined Primitive Roads. Trail to get a Handle on How many recreationists use the Trails. Some Road Closures would be Beneficial, If Implemented Seriously Talk to the Permittee

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

350C

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
JOHN HUGHES BOX 3065 PLATYWILLOW STAR ROUTE ROUNDUP, MT 59072		12-13-91

Riparian Management — Too much land [illegible] a lot of [illegible] Riparian land included and no way to take it out. Plan even [illegible] it has never been observed. I don't support Barley or Cutting. AUMs on this valley have worked in Rest & Rotation with the Pasture. The Permittees capabilities. Apply Table 7 to the Permittees would like to see some way to withdraw some of the land listed as problems and not use it. It looks like alot of money could be spent by the BLM if this Valley gets everyone out of Hand

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

350D

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
JOHN HUGHES BOX 3065 PLATYWILLOW STAR ROUTE ROUNDUP, MT 59072		12-13-91

Elk & Sheep Habitat — Too much Emphasis on This Issue. Work with Fish & Game To help maintain at present levels. More game, more problems (Fencing, predators, loss of hay, Privilege) Elk on the Crevices. It seems that the Permittee has become over-whelmed by present legislation & seems to be more interested in the wildlife, we keep improving the AUMs but the wildlife just takes them over we never get any increase for grazing. The seeding of grazing land Dr. late Crops is an issue. How that will work, Why can you [illegible] up land to Bed it? Will But we can't be [illegible] Range conditions? The Ranchers management of these areas could be costly & cause problems

Q-7

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

350E

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
JOHN HUGHES BOX 3065 PLATYWILLOW STAR ROUTE ROUNDUP, MT 59072		12-13-91

Elk & Sheep conf. — Between Permittee & BLM. More Cooperative Inclusion BLM & Rich & Trans. should occur. An Interaction instead of a restrictive policy would improve things. Work to get Mutual Benefits to land & wildlife. I support Alternative 3 through the Rich & Stone Private Dogs & Breeders. The positive Dog thing is out of Control. control is needed right away. AUMs are being lost daily mainly to the Dogs. Rotation Management like the Rich Stone Program like the Forest area in Phillips Co. The land should be allowed to age [illegible] till Spr any reason much less private Dogs. Reservoirs provide Moisture & Feeding Habitat to Elk also

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

350F

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
JOHN HUGHES BOX 3065 PLATYWILLOW STAR ROUTE ROUNDUP, MT 59072		12-13-91

Private Dogs & Forest conf. - Relations between the BLM & Ranchers have suffered over this issue & will continue to until some control is reached. I support Alternative 3 on Private Dogs. ACEC's another Area point people that no loss of AUMs which Probably [illegible] Could & will affect the Economy (Jobs in Roundup) will be costly (Fencing, maintenance) The Acid Shale Forest is [illegible] many miles & it seems a [illegible] pedestrian or [illegible] much less Restore Wheat. It looks like a one way to the Preservationists & should be an private Lobbyist. A No Net loss & AUMs policy should be used.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

350G

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name Address Date

JOHN [redacted] HUGHES
BOX 63
FOX/WINDSOR STAR ROUTE
ROUNDUP, MT 59072

10-13-91

C.I.S. Does Exploration should not be exempt from
The same things as happens on a drilling well
NOT The preventatives are nothing The Steps
are the policy that will be made it back on
topsoil that is mixed, or will be diluted in original
public lands Economic Conditions should not
take into consideration when base is entered
all Drug is not necessary & create impacts
everything is Evaluated what loss, or Addition
means loss and Possible land Tie up includes
a reduction of value to the Private land Should
land Develope won't be delayed by (Possible mitigation)
More Money needed for spot Weed Control
BLM should Budget More Money on Noxious
Weed Control

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

352

Montana Wilderness Association

District Manager, BLM
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dec 10, 1991

Dear Sir:

Here are MWA's comments on the JVP-RMP/EIS.

Y-16 General:

1. There is no budget information at all. But note that this RMP will guide budget requests for the planning area (p.5). Without budget information, one can't determine the balance of effort between the various issues - e.g., how much effort will go to acquiring access vs. improving riparian areas. Nor can one assess the rate at which activities proposed in the plan will actually be accomplished. BLM should present a proposed budget for each alternative.

2. The "Environmental Consequences" section of the draft EIS is virtually meaningless due to the failure to delineate the budget and time-frame parameters of the alternatives. Thus, BLM ends up comparing the impacts of RFD scenarios for oil & gas and hardrock minerals with the impacts of acquiring all 632,000 acres, accessing all 72,000 acres, involving all 348 allotments, etc. This is as meaningless as comparing the proverbial apples and oranges. The nature and intensity of environmental impacts (and economic & social impacts) are clearly dependent on the rate or time-frame of impacting activities. BLM should define "RFA" (reasonably foreseeable accomplishment) scenarios for all the appropriate issues considered under each alternative, and analyze and compare the resultant consequences.

For example, BLM has actually acquired an average of 2,000 acres per year over the past decade in the planning area. At this rate it would take over 50 years to acquire just the 115,000 acres anticipated in exchange for lands identified for disposal. Yet the draft EIS discusses the consequences of acquiring all 632,000 acres. That violates NEPA's direction to evaluate the "reasonably foreseeable consequences" of the proposed action. The same argument pertains to several other issues in this draft EIS.

P.O. Box 635 • Helena, Montana 59624 • (406) 443-7350

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United States Department of Agriculture — Forest Service — Lewis and Clark National Forest, Box 879, Great Falls, MT 59403

Reply To: 2356/2670

Date: December 12, 1991

B. Gene Miller
Associate District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160
(406) 538-7461

Dear Mr. Miller:

The attached report describes a survey of Tate-Potter Cave by USFS Wildlife Biologist, Don Sasse, and several other National Speleological Society members on November 18, 1991. Townsend's big-eared bat (Plecotus townsendii) was confirmed to be present in the cave. The USFWS lists Plecotus townsendii as a C2 species. We hope this information will be of use to you in considering the Collar Gulch area of critical environmental concern (ACEC) described in the Draft Judith Valley Phillips Resource Management Plan and Environmental Impact Statement (July 1991).

M-19

If you need additional information on this survey please contact Don Sasse.

Sincerely,

JOHN D. GORMAN
Forest Supervisor

cc: Dr. David Genter
Montana Natural Heritage Program
State Library Building
1515 E. 6th Ave
Helena, MT 59620

Attachments are available for review in the Lewistown District Office.

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3. We object to the "Impacts to Oil and Gas", "Impacts to Hardrock Minerals", and "Impacts to Livestock Grazing Management" sections in the "Environmental Consequences" chapter. The information in those sections has nothing to do with environmental impacts. The purpose of this whole process is, first and foremost, to elucidate the environmental impacts of proposed government actions. How can restricting potential developmental activities, through designating "no lease" areas or mineral withdrawals, have any environmental impacts? Certainly none of the material presented in this draft EIS in these particular sections is relevant to environmental consequences. If it must be included, it suggest it be moved to subsections of the "Impacts to Economic Conditions" section.

Y-20

Q-13 4. Appendix L needs an explanation of the columns and abbreviations.

re: Land Acquisitions:

1. The pool of potential acquisitions (632,000 acres) is so large that some indication of priorities, in terms of areas or primary resource values desired, is essential. I suggest the following priorities for areas, the Missouri River and its main tributaries (Arrow Cr, Judith R, etc.) and for resources, ACECs > riparian/wetland > wildlife (generally) > recreation > access. We think BLM should also acquire lands that are inholdings in WSAs, with a highest priority rank, since wilderness values and roadless recreation are very limited and found only on public lands in the planning area.

B-7 2. There is no indication of the degree of effort (personnel and $$) that will be focused on acquisitions, nor of the desired or anticipated rate of accomplishment.

re: Access.

1. BLM should distinguish between vehicle access and foot/horse access, in terms of both needs and impacts. For example, Square Butte and Black Butte (Judith Mtns) are ideal locations to acquire foot and horse access only (along with a parking area).

2. One of the goals for this issue is to identify needs to restrict access in order to protect wildlife, etc. (p.5). Has this been done?

3. The priority areas for access under Alt. E (p.79) are mostly small parcels in the Judith Mountains. While a few of these may be desireable (e.g., Upper Armells Cr, Black Butte), the only need for any many would be to provide access for miners. We think that is inappropriate, since miners should purchase any required access.

4. The highest priorities for access should be for Square Butte and for the Judith River, since both areas encompass such outstanding and unique natural and recreational values.

re: ORVs.

1. There appears to be no consideration of enforcement capability in determining where closures and restrictions are implemented, nor of the effectiveness of the closures and restrictions in determining the impacts of ORV use. I'm pretty sure that several studies have measured or estimated closure effectiveness, so that estimates of impacts can be scaled up to reflect vehicle trespass. BLM should apply

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and adjust such considerations in this planning effort.

C-15 2. The next-to-last paragraph on p.5 states: "Designations ... will minimize conflicts ...with other ORV user groups ..." Shouldn't you strike the term "ORV" from that sentence?

C-14 3. I wonder if a seasonal area closure in the Missouri Breaks area during spring breakup might be required to protect soils & water quality? Does BLM have any data on this?

4. Many of the designated routes in the Missouri Breaks area are not improved, and should not be open to vehicles during the wet periods (e.g., Nov & Dec, and again in spring) to prevent gullying, etc.

C-21 5. The exceptions to area closures (p. 82) are too liberal and would result in unnecessary impacts to surface resources and other users. They should be tightened as follows:

a. access for camping limited to 100 feet off designated roads & trails;

b. no exceptions for the handicapped (except for motorized wheel-chairs);

c. snowmobile travel permitted only on snow and within a designated period (e.g., Dec 15 - Mar 15).

C-22 6. The first paragraph under "Off-Road Vehicles" on p.81 contains the phrase: "while recognizing the need for continued use of off-road vehicles..." We suggest this be changed to: "while recognizing the advantages of off-road vehicle use for certain management activities ..." There is no general "need" for ORV use anywhere.

C-23 7. The proposal to leave the Frenchman Creek and Cottonwood Creek areas open to ORV use is illegal, since the draft EIS acknowledges that adverse impacts will occur (pp. 169, 174)

T-10 re: Oil & Gas.

1. We could find no acknowledgement of the short and long-term impacts to visual resources from road and drill pad construction associated with exploration.

2. The lease stipulations are referenced under "management common", but in fact vary by alternative and thus should be subject to public comment. Here are our comments:

D-15 a. All "exceptions" and "modifications", in addition to "waivers", should be subject to public notification and comment, and possibly to environmental analysis as well, since even a one-time, one place exception may have a significant impact on the human environment and may elicit significant public interest.

S-7 b. BLM should allow exceptions and modifications that add or tighten restrictions as well as those that relax restrictions, since, for example, a new species occurrence or hazard may be discovered subsequent to a lease being issued.

D-16 c. All exceptions for NSO stipulations written for T & E species should require section 7 consultation with the USFWS, since even a one-time, one place exception might have a significant impact on a particular species.

d. The timing restriction for raptor nests should include nest sites active within the past three years (at least), rather than two years, since many species, including ferruginous hawks and golden eagles, may return to a site after 2 (or more?) years absence.

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D-4 3. All proposed ACECs (under Alt. E), in their entirety, should be no-lease areas. Although the impacts of exploration might, in some situations, be compatible with protection of the values for which the ACEC is designated, the lease confers additional rights for development and production activities would result, in all cases, degrade the ACECs.

4. The statements regarding tradeoffs between short-term use and long-term productivity for Hardrock Minerals and Oil & Gas (p.232) are totally wrong. Any alternative that emphasizes (as Alt. E does) maximizing access, right now, to minerals of all kinds is clearly favoring short-term use over long-term productivity. Energy minerals are non-renewable, and hardrock minerals are only partly "renewable" (i.e., recycleable); so our use of these resources now clearly impoverishes future generations.

5. Similarly, the draft EIS fails to acknowledge that mining energy resources and hardrock minerals is also an irreversible and irretrievable commitment of resources (p.233). Indeed, I urge the BLM to explicitly close certain areas to mineral development of both kinds (energy & hardrock) to ensure the availability of such resources for future generations.

6. Since December of 1968, and as part of a settlement with the National Wildlife Federation in response to the Conner v. Burford decision, the BLM has not issued any leases in areas with potential wildlife conflicts: wetlands & riparian areas, occupied T & E species habitat, important big game winter range, grouse leks. We urge the BLM to permanently adopt this policy, especially since the oil & gas industry has apparently been content with the lease offerings made under it to date.

7. The BLM should establish restrictions on geophysical exploration on sensitive lands through this planning process (i.e., identify areas with timing or distance restrictions, as for lease stipulations). The impacts of exploration activities are significant enough and predictable enough to be acknowledged and addressed through the planning process, rather than being left to the manager's discretion.

re: Hardrock Mining.

T-2 1. The recommendation to revoke the Montana Gulch campground withdrawal is based on a decision to close the campground. Why and when was that decision made, and where is it documented?

T-2 2. Do the people in Landusky and Zortman want BLM to revoke the withdrawals and dispose of the holdings there?, or might they want some public recreation sites someday? It would seem that such protected parcels could become quite valuable for recreation and other amenity values as the general area becomes more developed and impacted by mining.

3. We support the withdrawals listed in Table 2.45. At present, the only mechanism BLM has for protecting areas from all impacts of mining is a withdrawal, and I feel the special resources and values of the areas listed warrant such protection.

K-3 4. We support the additional proposed withdrawals (from Alt. D) of 5,504 acres in the Little Rockies (for the same reasons as mentioned above) and for the Acid Shale Forest ACEC, since bentonite mining would likely impact that community, and Montana has lots of other bentonite deposits elsewhere (so why encourage even looking at the area?).

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5. The management prescriptions for existing valid claims in the proposed Cedar Gulch ACEC, and for the South Moccasin-Judith Mtns area, seem reasonable and necessary to protect the unique values of these areas.

E-24 6. The mitigating measures listed on p.96 are excellent. Would the miner cover the costs associated with numbers 4 - 5?

E-15 7. We would like to suggest a general wildlife prescription, namely, to require bird-proof netting over cyanide ponds.

E-25 8. The numbers in table 4.5 don't appear to jibe with those in table 2.45. Which are correct?, or what am I not understanding?

9. Regarding mineral materials, those permit regulations (p.11) are too liberal and should be tightened, since surface disturbance alone, without milling or leaching, etc., can still have serious impacts on many resources. I suggest (a) a 2 acre limit for a CER and (b) a plan statement prohibiting mineral sales or permits in ACECs and riparian/wetland areas.

re: Riparian/wetland management.

1. The triggers for initiating additional measures to protect and enhance riparian areas should be defined and described in more detail than that provided (e.g., see p.6). An "improving trend" may still be unacceptable if the rate of improvement is too slow.

F-21 2. Specifically, we object to the language in the 3rd paragraph on p.85. The "passed time-frame" for achieving an objective should be based on a "substantial" rate of improvement in the first place, and, hence, any delay in achieving an objective should trigger additional management measures (such as reducing stocking levels). These sections of the draft plan allow the BLM too much discretion and cater to the grazing permittees at the expense of the public's riparian resources.

F-22 3. By what formula or procedure would BLM allocate forage increases between wildlife, livestock and watersheds under the draft plan? This should be specified.

F-24 4. We do not understand the difference between "I" and "M" allotments. For example, I would expect all "enablements to achieve most meeting objectives" and all "M" allotments to be "meeting objectives". Please explain.

5. BLM should establish some priority for which allotments to work on first. "Group 1", which is presumably the highest priority (it's not really clear from the text), lists over 100 allotments for Alt. E. We question if the application of how many AUMs per year BLM has written or revised in the past and plans to write in the future (again, there should be budget information in this plan). We suspect that 100+ AUMs would take several years, perhaps a decade. We suggest BLM prioritize all allotments found in the UMWSH and in WSAs for improving riparian management, since those areas generally have the highest natural and recreational values of the planning area.

Y-9

re: Prairie dog and ferret management.

1. BLM should maintain several distinct prairie dog shutdown complexes, in addition to (though not as large as) the 7km complex. Any of those identified in the preferred alternative, to assure habitat for plague, rabies virus-vs-a disease threats and catastrophe events.

2. BLM should prohibit shooting at several shutdowns in order to determine the

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impacts of shooting on associated species. (I.e., compare occurrence rates of mountain plover, etc., at towns with and without permitted shooting.)

3. Similarly, we urge BLM to incorporate the ORV closure of prairie dog towns (from Alt. D) into the plan, so that the impacts of ORV use on associated species might be determined.

re: ACECs.

1. The first paragraph under "Implementation" for the Azure Cave ACEC should end with "Cave access would not be allowed until an activity plan is completed." The remainder of that sentence and paragraph is unwarranted, since analysis of the cave and its resources, pursuant to preparing an activity plan, may indicate that access should be permanently restricted.

O-3 2. Map P on p.86 (the Big Bend ACEC) is incomplete - the ACEC boundaries are missing, among other things.

3. BLM has played a central role in establishing the Montana Natural Areas program. We think that ACEC designation is the most appropriate tool for recognizing and protecting natural areas, and we suggest the BLM reconsider the following nominations in that light: Rock Creek (Valley County); Beaver Creek Ponds; Joiner Coulee; Woody Island Coulee.

Sincerely,

Cedron Jones, BLM Commit

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Lee Iverson	Box 151 Winnett, Mt 59087	12-13-91

Alternative A is the only acceptable one for land acquisition. If there not just any private land as meeting acquisition criteria. There is no need for an inventory of private lands that would be desirable to BLM acquisition in a free society.

Purchases and taken in pursuit of appeal to decisions made by the RMP under the RMP. Riparian areas falls this category because some of the ones listed in the preferred alternative are questionable as to riparian value.

Any special management costs occurring because of land laws, riparian areas, prairie dogs and black footed ferrets, etc. need to be paid by the BLM.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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DRAFT
Judith
Valley
Phillips
Resource Management Plan
page 2 of 4 pages

COMMENT FORM

(Please Print) Name	Address	Date
Lund # Ranch, Inc.	Valentine Road Roy, MT 59471	12-11-91

Off-Road Vehicles:

C-3 There should be a way for ranchers to use ORV's in connection with looking after their livestock. ORV's are an efficient tool for ranchers. We prefer alternative A and strongly oppose alternative E. "A" does not have a significant impact on livestock grazing.

Oil and Gas Leasing

We prefer Alternative A as any other alternative would unfavorably impact the economics of the area. This plan would have a positive impact on environmental consequences and on the wildlife.

Sagebrush Wintering

We prefer Alternative B as the reclamation would restore vegetation in the long term and there would not be a significant impact on sagebrush.

Riparian and wetland management of watersheds.

The BLM wants to manage these areas by fencing out water sources and reducing livestock numbers. If all the water is fenced out of an area the grass can't be used unless the livestock owner had the time and money to haul water or otherwise develop water. This would eliminate some ranchers and would have a definite impact on the area. Any change in grazing privileges is seen as the beginning of the removal of livestock from public lands. Many ranchers have decided management of their areas on their own and do not need

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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DRAFT
Judith
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Phillips
Resource Management Plan
page 1 of 4 pages

COMMENT FORM

(Please Print) Name	Address	Date
Lund # Ranch, Inc.	Valentine Road Roy, Montana 59471	December 11, 1991

Land Acquisition and Disposal:

The land owners and land designated for acquisition should have been notified in advance of the statement. The government said it would not use condemnation but the owners are doubtful. The owners should be allowed to remove their land from the acquisition list. If owners wish to sell their property some potential buyers would be wary of purchasing such land. The BLM should be disposing of property not bidding on private land. The BLM cannot effectively manage the land they own now without acquiring more. It is obvious the BLM is planning on acquiring a lot more land than they dispose of. This would have a serious impact on the economy of ranchers, towns and communities. If there has to be a plan we prefer Alternative A. We definately are against Alt. E. It would be better if the whole plan was thrown out. Either of these would be significant impact on air and water quality. "A" provides the smallest loss of AUM's with the least cost. It has a positive impact on the wildlife and recreation.

A-11 A-7

Access of BLM land:

The BLM says it wants to pursue access to their land and then they close the roads in an area. This doesn't make sense. How can there be access of the roads are closed? By closing the roads there will be an increase in the wildlife including elk as a lot of hunters are not able to walk miles to drag an elk out. Of the alternatives offered we prefer "A". It would have only a minor impact on wildlife. We are against the

B-4

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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DRAFT
Judith
Valley
Phillips
Resource Management Plan
page 3 of 4 pages

COMMENT FORM

(Please Print) Name	Address	Date
Lund # Ranch, Inc.	Valentine Road Roy, MT 59471	12-11-91

(cont.) BLM interference. We prefer alternative B and are strongly opposed to alternative E. "A" would be a positive impact on the environmental consequences and give more access to water sources. Water quality would improve. There would be an overall improvement to soil and vegetation. Livestock forage would increase with the least cost to the rancher.

Elk and Bighorn Sheep Habitat Management

It is irresponsible of the BLM to create more elk habitat while saying it was not responsible for wildlife. This situation allows the BLM and the MFWP to blame each other for its ill increases. Some areas designated as potential for elk habitat are too small and have no water. If elk increase in an area it will decrease the AUM's the rancher is allowed. Elk destroy fences and eat hay and crops. We prefer Alternative A and are against alternative E.

Prairie Dog and Black-Footed Ferret Management

There is no grass for several acres around a prairie dog town. This reduces the livestock grazing. If the livestock numbers are reduced there is no impact on the economy of an area. We prefer Alternative A and oppose alternative E. All plans have a negative impact on the environmental consequences. Under Plan A there would be an improvement in soil and vegetation and a significant positive impact on wildlife.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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DRAFT

COMMENT FORM

Judith Valley Phillips

Resource Management Plan

page 4 of 4 pages

(Please Print) Name	Address	Date
Lund # Ranch, Inc.	Valentine Road Roy, MT 59471	12-11-91

We oppose any area being designated ACEC. The South Moccasin-Judith Mountains scenic area has already had a portion burned off. Restrictions on development of this area would significantly reduce potential economic activity which would decrease the social well-being of local communities.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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December 12, 1991

Mr. David Mari
District Manager
Bureau of Land Management
Lewistown District Office
Airport Road
P.O. Box 1160
Lewistown, MT 59457-1160

Re: Judith Valley Phillips Resource Management Plan
Draft Environmental Impact Statement

Dear Mr. Mari:

After considerable review and study of the BLM's draft RIS for the Judith, Valley and Phillips resource areas, I present the following comments and questions. As a Phillips County resident these comments addresses my concerns of potential impacts the EIS document presents to residents and businesses of the resource management area.

A. Presentation of the RIS Document.

I have been involved reading and interpreting government documents and regulations for the past 10 years of my career, and I have to state that this document is far and above the most difficult publication to follow and comprehend or any previously experienced. Discussion of the various alternatives presented within the text is scattered throughout not giving the reader clear and precise descriptions of the various alternatives and their representation with each other. The document format is such that the reader must thoroughly research the document and its contents to grasp a general consensus of the proposed actions and impacts the various alternatives could protrude on multiple users within the resource management area. To simplify future EIS documents such as this and provide the general public and lay person an opportunity to review the document without extensive hours of frustrating study and research; discussion and presentation of the specific alternatives, their status and potential impacts should be collectively discussed in a single section. Presentation of this text requires the reader to review the Table of Contents multiple times and reference numerous sections of the text in order to gain a close assimilation of what relationship each of the proposed alternatives could portray. Due to the complexity and difficulty the document presents to the reader, I request the comment period be extended.

B. Expension of elk and sheep habitat in the Little Rocky Mountains.

Under Alternative E, the preferred alternative BLM proposes

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to maintain or expand 660,140 acres of elk habitat within the resource management area. Identified within this preferred alternative BLM unclearly addresses allowing for the development of new elk populations in unoccupied habitat of the Little Rocky Mountains. Currently, the Little Rocky Mountains does possess potential elk habitat along certain sections of the range but elk populations within the vicinity only on rare occasions utilize the habitat. My first question addresses BLM's comment concerning new elk populations. As presented in this alternative, it appears BLM is proposing to develop or introduce new elk populations into the Little Rocky Mountains. As stated on page 1, BLM's responsibility with such wildlife issues is identifying and maintaining the habitat, not the wildlife.

The Montana Department of Fish, Wildlife and Parks (MDFWP) is entrusted with the responsibility of wildlife management. Communications with the MDFWP identifies that the MDFWP does not propose to increase elk populations in the elk management units which comprises the Little Rockies due to the lack of security cover and wildlife degradation on private lands. Therefore, why is the BLM proposing development of new elk
G-4 populations or expansion of elk habitat in this area, if no plans or programs have been instrumented by the entrusted regulatory agency regarding such development ?

As previously stated elk populations do exist within areas bordering the Little Rocky Mountains such as the Missouri Breaks and Bull Creek; and elk habitat currently exists within the range. In light of this information one must ask himself, why is the area only utilized rarely by migrating elk populations and no resident herd has established itself in this area. As identified by the MDWFP one major reason that elk populations do not currently inhabit the Little Rocky Mountains is due to the lack of adequate security cover with a second reason being past illegal harvest of migrating elk through the area. Reviewing this information and the contents of the preferred alternative, BLM fails to identify and present control measures to facilitate protection of a resident elk population should it be introduced. As stated on page 86 of draft RMP, implementation of the preferred alternative would seasonally restrict RMV use within elk and bighorn sheep habitat to designated roads and trails with exception of the Little Rocky Mountains. Therefore, it appears that BLM would continue to manage potential elk in a manner that provides forage but not security from the forces which in the past might have prevented the development of a resident herd.

More disturbing then the proposed elk habitat identified in the preferred alternative is BLM's proposal to expand current bighorn sheep habitat. BLM's preferred Alternative E addresses aggressive expansion of the bighorn sheep habitat within the Phillips Resource area more then tripling the

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habitat currently maintained. If BLM's and MDWFP past management of bighorn sheep habitat and populations is a reflection of what is to come in the future, expansion of the habitat and introduced populations will be maintained under only occasional supervision and study. Bighorn sheep management in the Little Rockies Mountains has been absent of BLM and MDWFP field studies and inventories since 1987 until a joint aerial survey between the two entrusted agencies and Gorman Mining Inc. was conducted in January of 1991. Without periodic reviews and studies of the resident population, how can the entrusted agencies make managerial decisions and proposals encompassing the addition of more than three times the current habitat.

B. Re-introduction of the black-footed ferret.

The black-footed ferret reintroduction and recovery plan presented in draft RMP fails to identify and clarify the importance of public involvement in the re-introduction efforts. After careful review of the presented RMP plan and discussions with MDWFP personnel, considerable differences exist between the plan presented in the draft RMP text and the
H-31 latest draft prepared by the North Central Montana Working Group. Modifications in the draft RMP text need to be made to incorporate issues addressed and presented within the North Central Montana Working group publication entitled A Cooperative Black-Footed Ferret Reintroduction and Management Plan for the North Central Montana Complex, dated September 1991.

After review and comparison of the two texts, significant differences exist in the identification of the reintroduction area, status of the black-footed ferret with regards to the Endangered Species Act and the necessity of public involvement
S-7 with the re-introduction process. The RMP fails to identify to the general public, BLM's responsibility with regards to the re-introduction plan and the agencies responsibility to maintain and protect black-footed ferret habitat should public sentiment prevent re-introduction. As addressed on page 3, The BLM is required by the Endangered Species Act of 1973 (ESA), as amended, to protect and provide habitat for threatened and endangered species. Therefore should public sentiment and pressure prevent the re-introduction plan, the BLM could be compelled by the Endangered Species Act to protect and maintain current prairie dog populations. The net result of such action could be similar to those experienced with the Spotted Owl in the old-growth forest of the Pacific Northwest requiring considerable mitigation and litigation to resolve the issue.

In light of these issues, the BLM RMP should be amended to incorporate modifications made since the draft RMP was published and additional town meetings should be held identifying the entire current re-introduction plan and

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consequences residents, recreationalist and businessss might experience should the plan bs rsjscted. Such meetings should includa raprssentatives of all the various agencies involvad allowing the public an opportunity to converse with and hear averyons's sids of the story. Due to the complaxitiss and emotions of this issue, BLM should sxtsnd the comment period.

4. Impacts to Air and Water Quality from Hardrock Mining.

Z-7 On pags 167 of the draft RMP text, Table 4.6 incorrectly identifies the EPA Drinking Watsr Criteria for Cyanide-Surface Water (WAD) as 0.022 mg/l. This concentration should correctly read 0.22 mg/l WAD cyanide.

5. Proposed wetland/riparian areas.

Review of the BLM draft RMP with regards to proposed wetland/riparian areas identifies a very aggressive program, which for the most part presents no evidence BLM has conducted any systematic evaluation to dstermine whether the areas demarked for protection are or can be dssignatsd as such. F-27 Without conducting field svaluations of the proposed areas containsd within the resource management plan, how can the BLM demark and set aside 348 allotments containing 595 stream miles and 5,850 water sources without scientific evaluation that such parcels even have the potential to be improved or maintained as perpetual wetlands? The scope of this proposal could dramatically affect futura multiple users associated with livsstock grazing, recreation and natural resourcs development. I ask that the BLM re-evaluats the consequences of such actions and prssent the general public with feasible alternativss with sound scientific svaluation rathsr than a Christmas Wish list.

6. Azure Cave ACEC.

Altsrnative E, the preferred altsrnative identifies designating 140 acres of BLM property as a ACEC to protect Azure Cave rssources and potentially the northernmost bat hibernaculum in the Unitsd States. As identified in many sections of tha draft RMP, the BLM proposal is unfounded and N-4 not based on sciantific evaluation. The BLM proposes to protsct this area of critical environmental concern without affording the public or multiple users the simplest luxury of studying the area and determining if such bat populations exist and thair significance to the environmsnt. Once again it appears the BLM is placing the cart ahsad of the horse, without studying and svaluating ths site how can the arsa be dstsrmined and designated as a ACEC without any substantiating facts? This ACEC designation should be withdrawn until scientific studies and evaluations have been completed supporting such a designation.

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7. South Moccasin-Judith Mountains Scenic Area ACEC.

The proposad management stipulations BLM has presented in the draft RMP with relationship to the South Moccasin-Judith Mountain Scenic Area ACEC fails to adequately idantify futurs potential economic impacts which could be axperiencsd by the Fergus County araa. Ths BLM is entrusted with the management of federal lands and such management responsibilitias includes and allows for the dsvslopment of natural resourcss on such lands. Those mitigation measures identifisd within the preferrad altarnativa would preclude mineral development on the lands identified within the ACEC, if by no other means than economic hardship and ths inability of any developer to meet the reclamation goals and objectives mandatad by the RMP. I-1 Should BLM be provided tha opportunity to designate this area as ACEC due to aesthetic and scenic values what will pravsnt future ACEC dcsignations in other arsas?

Please reconsider the potential effects of this issue and remova ths ACEC from final JVP Resource Management Plan.

Thank you for granting ms the opportunity to review and comment the draft JVP Resource Management Plan.

Sincerely,

William S. Lyle

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"Commenta on Blackfooted Ferret"

Attan Dietrict Manager, Dave Mari
Dear Sir:

I would like to go on the record as opposed to tha reintroduction of the Blackfootad Ferret in Phillips county.

In my oppinion thia enimal aarves no beneficial purpose in thia area. The money apent researching this area, tha raintroduction, end monitoring the ferret aftar ha's here would be much more banifical to sociaty if uaad to reduce our national debt.

Wa are vary busy worrieing about thaaa "endangerad animala", but who will care for thesa animals if thia country doaan't pay her creditors.

Much laaa money would be spent if we built an arificial living complex for tha Ferret, they could be monitored mora closely, cheaper, end be set in an area less remote more accessible to paople wanting to see them.

I hava baen ective in Farming and ranching in South Phillips county for 20 aome years. During thet time praira dogs heve always been a problem, many attampa to control them on our place have had only limited aucceaa. With lack of nieghbor cooperation and loas of cartain chemicala for poisoning the dogs ara winning. However under current circumstances thera is atill the possibility that other chemicals may bacome available, or with more cooperetion wa could rid ourselves of this Rodent.

If another "endengered species", ia raleesad in thia area, opportunity for control of praira dogs will be greatly restricted. In addition even tha "non aseentiel" atatus given to this experimental group is limited protection at best. If something were to kill the othar groups of Ferrets in captivity leaving only this group, pressure would be applied to remove the "non asaential" status to protect the speciee.

Please consider transplanting this exparimantal group in a Netionel Park, where acceas ia alraady controlled, and monitored. A place whara paopla alreedy come to view enimals in tha wild.

Wa have andangered apecies in Phillips County now, and thay are being protected. Presently the Black Footad ferrat is not endangered hare, Please lets kaap it that way.

/a/ Warran Teylor
HC 84
Box 8245
Malta Mt 59538

(Typad exactly as received for reproduction in the final RMP/EIS.)

356A

"Commenta on Land Aquisition"

Dec 11, 1991

Attn Aree Managar J.V.P. R.A. Deve Meir

Dear Sir:

Having reviewed the draft RMP end ettending info meetinge I went to submit these commente:

1) I understand what BlM is ettempting to do with Land Aquistion & Dieposal plan. Blocking Land will increase managability and raduce coate.

2) TEE Bar Land & Livestock Inc. Racaived a letter to notify us of part of our allotment being designatad for disposal, we are intarested in paraarving thet transaction. "SW¼ and S½SE¼ Sect 30/27-28".

A-36 3) TEE Bar Land & Livestock would also be intarested in aquiring other lands in our alotment thet are small tracts, intarmingled in our private land.

NE¼NE¼ Section 31-27-28
NW¼NW¼ " 15-26-27
SW¼SW¼ & SE¼NW¼ of 21-27-27
NE¼ of 21-27-27 Lying NW of Line Fence
W½ Saction 5-26-27
All BlM Land in Section 32 & 33 of 27-27.

TEE Bar Land & Livestock Inc.
/a/ Warran Taylor Pres.
HC 84 Box 8245
Malta Mt 59538

Land Aquisition

Dac. 11, 1991

Attn Area Manger J.V.P. R.A. Dave Mari
Dear Sir:

Heving reviewed the draft RMP and attanding Info meetings I would like to submit these comments.

1) I understand whet BLM ie attempting to do with Land Aquistion & diaposal plan. Blocking the Land will increase managaability and reduce costs.

2) Warran & Lori Taylor own lend in Phillips Co. Section 12-26-27. Due to a correction line a small portion of BLM Land is fenced into our property.

A-36 We ara raqueating that to, be place on list of disposal propartiee thank you.

/s/ Warren Taylor
HC 84 Box 8245
Malta Mt 59538

(Typed axactly as raceived for reproduction in the final RMP/EIS.)

357

Malta, Mt.
December 13, 1991

B. Gene Miller
District Manager, B. L. M.
Lewistown, MT. 59457-1160

Dear Sir,

My name is Francis V. Jacobs. My family ranches approximately fifty miles south of Malta by road, more to the point of the location, the ranch buildings are near the east end of the Dry Fork road. Much of the ranch was homesteaded by my wifes family. Our son Lee, is on the ranch with us, making him the fourth generation.

I was going to try to comment or address each of the concerns in the B. M. P. draft. But I find your draft is not easy to figure out or what the real intent is. So I am going to make some comments, mainly about the area south of Malta, of which we are familiar.

First of all about the access to B. L. M. land. There is no problem, so just leave access alone, it is working. As far as elk and big horn sheep are concerned, we have plenty of elk in south Phillips County. Leave the elk and sheep the way they are.

Off road vechicles are no problem the way it is now. The price of of policy will cost to much.

Prairie dog and blackfooted ferret; this is the area where my family and I have most of our concern. You have no prairie dog management. It appears that your B. M. P. is geared up for the blackfooted ferret introduction plan. Your land acquisition program appears to be aimed to rid the people living in this area to insure the ferret program. The land acquisition also dims our hopes of being able to buy more land to add to our ranch, because we will have to bid against the U. S. Government, we are against this program also.

I am well acquainted with people that live on the farms and ranches in south Phillips County. They are the true environmentalists, with real concern of saving our lands and making and keeping them productive to feed and clothe our families for generations to come, and yes, they are concerned for the wildlife that lives here. You must remember the people that live here are the ones responsible for the game being in abundance today. In the thirty plus years that I have lived here our range has been improving, it is a slow process. Education is the key to success from forage improvement to wildlife management, not costly

357A

Page 2
programs administered by the government.

Sincerely,

358

DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
ERWIN J CROWDER	HCR1 BOX 81A MALTA MT 59538	DEC 12, 1991

I AM AGAINST INTRODUCING FERRETS & WOLVES IN THE Judith Valley Phillips County Did you Say the System Acts To Reintroduce AS IT IS A law, I Guess the best IF can Say it is, I do Not Have Advantage To Run Cattle on BLM or CMR as ALL of My Neighbors Do, But you Sure have A piece of our Piece of your MAP for Prairie Dogs, I Sure would Like To Know How MANY People ARE going To Survive on Prairie Dog Soup or Wolf Steak, AT THE expense Of the people of THOSE THREE Counties, I'm Sure the people of The United States Want Want This Dirt, AND I AM Sure my Cows will NOT Survive where your prairie Dogs are, IT is Total Destruction IF I Ever Seen It.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

359

Dec. 13, 1991

Dear Sirs:

I am writing in regard to your proposal to introduce the Black Footed Ferret in South Phillips County. I am opposed to your plan for several reasons the main one being I don't believe they will control the Prairie Dog population.

Next on my list is the fact that if you get them here it just opens the door for any other animal that the "groupies" take a notion should be here. Why do they believe the animals are more important than people? I believe they should leave things alone. Look how hard our forefathers tried to get rid of the coyote, wolf, prairie dog, etc. They are all still in excistence. True, not as many, (except for the prairie dog) but there is absolutely no reason that they should be that plentiful.

I read a pamphlet that was presented to the school children on the Ferret & Prairie Dog. What a bunch of lies. How can anyone in good conscience make the claim the prairie dogs benefit any grasses. All they need to do is come out here and see how they totally destroy all foliage where their towns are. Shame on you - brainwashing those kids and then having the gall to ask them to donate money - wow! What is our country coming to?

Speaking of money, there is so many places the money being spent for this program could be put to so much better use. I won't go into that - you know as well as everyone what hard times anyone but the rich have when it comes to health care or disabilities, not to mention food, clothing, etc.

If we really do have government for the people and by the people our concerns will be taken into account and you will put a halt to this nonsense.

Sincerely,
/s/ Mrs. Donne Crowder
HC 81 Box 81A
Malta, Mt 59538-9702

(Typed exactly as received for reproduction in the final RMP/EIS.)

360

December 11, 1991

B. Gene Miller, District Manager
Bureau Of Land Management
Lewistown District Office
Box 1160
Lewistown, MT 59457-1160

Dear Sir:

Salsbery Family Limited Partnership chooses not to participate in any Bureau Of Land Management land exchanges as identified in the JVP-RMP/EIS. We would appreciate your co-operation in removal of our private lands from your map and table dealing with acquisition and disposal in the final RMP/EIS.

Sincerely yours,

Salsbery Family Limited Partnership
HC 65 Box 8110
Malta, MT 59538

Attachments are available for review in the Lewistown District Office.

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7. Elk and Bighorn Sheep management- no comment

H-1 8. Prairie dog and Black-footed ferret management- The Federal Government, through the various agencies involved with the INTRODUCTION of the black-footed ferret, needs to guarantee in a written legal document that the ferret will always be managed as a non-essential experimental species until such time as it can be removed from the endangered list. The prairie dog towns need to be reduced to the 1988 levels or less. In keeping with the BLM's indicated desire to improve range conditions to near 100% good to excellent condition, the prairie dog does not fit in. In most prairie dog towns, the range condition is poor to non-existent. A contradiction that is very disturbing.

9. ACEC- no comment

Sincerely yours,

Kevin Salsbery
Salsbery Family Limited Partnership-Salsbery Ranch, Inc.
HC65 Box 8110
Malta, MT. 59538

361

December 12,1991

B. Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
Box 1160
Lewistown, MT. 59457-1160

Dear Sir:

In response to the invitation to comment on the JVP-RMP/EIS, I would like to offer these comments.

A-2 A-1 1. Land aquisition and disposal- The key word in this issue title is disposal. I believe that the BLM and the Federal Government in general should be returning lands to private ownership and not aquiring more lands. There is no alternative in the RMP to allow for disposal as an objective.

2. Access to BLM land- Alternative A appears to be the most acceptable. The alternative that impacts everyday livestock operations the least, within the BLM's multiple use mandate, is the most desirable.

C-5 C-3 3. Off Road Vehicles- I believe that use of ORV's for game retrieval should be allowed. Also, the management plans for grazing permittees should allow unrestricted use of ORV's for management purposes at all times.

4. Oil and gas leasing and developement- I support the maximum amount of development that is environmentally sound as an aid to the economy of the area.

5. Hardrock mining- Same as 4.

F-23 6. Riparian and wetland management- All of your alternatives seem to be a series of contradictions. You indicate that there will be an increase in AUM's, but the probable method for riparian improvement will be reduced livestock allocations. The permittees cost to effect these livestock reductions is in the millions of dollars throughout the resource area. In the preferred alternative, it shows that in the riparian areas, currently about 40% of the AUM's are allocated to livestock. If you achieve your estimated production increase of 3,780 AUM's and 40% go to livestock, you make available approximately 1,512 AUM's. At your estimated cost of $0.2 million to the permittees, this is about $1,455. per AUM. These costs coupled with reduced livestock allocations are not acceptable through any of the alternatives as they are written.

362

Box 187
Dodson, Mt. 59524
Dec. 12, 1991

Bureau of Land Management
District Manager
Box 1160
Lewistown, Mt. 59457

Dear Sir:

Thank you for allowing me to comment on the Judith, Valley, Phillips Resource Management Plan.

I feel Phillips County could best be served by deleting the land Acquisition and disposal part of the R.M.P. The tax consequences associated with this proposal would be very detrimental to our area. The system used in the past has worked quite satisfactorily.

Additional access to B.L.M. lands needs to be looked at very carefully to determine if benefits outweigh the problems caused.

Off-road vehicle use seems to be a matter that needs to be looked at differently in different areas. In both B.L.M. access and off road travel, the possibility of spreading noxious weeds should be considered.

In the Riparian and Wetland portion of the plan, care should be taken not to erode the tax base and the economic well being of the area. The same would hold true for the balance of the plan.

Sincerely,

E. D. Klasenberger

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December 13, 1991

Bureau of Land Management
Airport Road
Lewistown, Montana 59457

RE: Judith Valley Phillips Resource Management Plan

Dear Sirs;

In your management plan, you have identified private property in regard to land classifications, mineral potential, viewsheds, etc. It is our belief that planning by your agency of land not under your control without the consent of the property owner is at the very least unethical and at most illegal. We therefore demand that any lands deeded to Maurice and Betty Shamrel or Maurice, Alan, and Karl Shamrel be removed from this or any future plans and not be referred to in this or any future plan in any way whatsoever. Z-10

Sincerely;

Shamrel Ranch
202 Salt Creek Road
Hilger, Montana 59451-9752

Phone (406)-462-5639

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LEWISTOWN INSURANCE
Independent Insurance Agents
320 W. MAIN • P.O. BOX 210 • LEWISTOWN, MONTANA 59457 • PHONE (406) 538-5458

December 12, 1991

B. Gene Miller, Dist. Mgr.
Bureau of Land Management
P. O. Box 1160
Lewistown, MT 59457

RE: Judith - Valley - Phillips RMP / EIS

Dear Mr. Miller:

After reviewing the summary of alternatives as printed in the July 1991 Draft, I have the following personal comments:

1. Land Acquisition And Disposal: Either alternative A or alternative B appear acceptable at this time, considering there is a willing seller or acceptable exchange for both parties in each instance. I prefer no net gain in publicly owned lands, and at the very least a minimal increase where a willing seller simply does not want a net exchange of any kind.

2. Access To BLM Lands: The preferred Alternative D appears to be the responsible choice for proper actions needed for access to BLM land.

3. Off-Road Vehicles: The preferred Alternative E appears to be the responsible choice for multiple-use of BLM land.

4. Oil and Gas Leasing and Development: It appears that Alternative A and Alternative C are very similar and best allow for future economical development of these area resources.

5. Hardrock Mining: Alternative A appears to be the best alternative at this time. Properly controlled mining can still be based on each project's individual merit, and continue to enhance the economic well-being of Central Montana.

6. Riparian And Wetland Management of Watersheds: Alternative A appears to be the best choice with local agricultural land users, presently.

7. Elk and Bighorn Sheep Habitat Management: Alternative A and Alternative C appear to be the same, and allow for the continuation of the present and most successful management program.

8. Prairie Dog And Black-Footed Ferret Management: I'm not sure if re-introduction of any kind is necessary if there will be any reduction of economic value to the present rancher/BLM lessees in that area. Alternative A appears to be the most workable option, at this time.

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United States Department of the Interior
FISH AND WILDLIFE SERVICE

MAILING ADDRESS: P.O. Box 25486 Denver Federal Center Denver, Colorado 80225
STREET LOCATION: 134 Union Blvd. Lakewood, Colorado 80228

IN REPLY REFER TO: FWE MAIL STOP 60120

DEC - 9 1991

Memorandum

To: District Manager, Bureau of Land Management, Lewistown, Montana

From: Assistant Regional Director, Fish and Wildlife Enhancement, Region 6

Subject: Draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement (FC #91/77)

The Fish and Wildlife Service (Service) provided comments on the subject document on October 3, 1991. We wish to supplement those comments with the followings:

(1) The document states that the Bureau of Land Management (Bureau) land identified for reintroduction of the black-footed ferret would be designated an Area of Critical Environmental Concern. The Service supports this designation.

(2) The Service believes the No Surface Occupancy restriction on prairie dog towns within the 7 mi complex should be retained on all towns in the complex, not only on towns identified as initial release sites. The Service supports the use of waivers, exceptions, and modifications on the prairie dog towns following the "Draft Guidelines for Oil and Gas Activities in Prairie Dog Ecosystems Managed for Black-Footed Ferret Recovery, FWS, 1990." If needed to accommodate oil and gas development. The Service recommends that the Black-footed ferret No Surface Occupancy stipulation for Alternative E (preferred alternative) on page 297 be modified by deleting the wording "not identified as initial release sites for the black-footed ferret" from the stipulation. H-32

Questions regarding these comments should be addressed to Dennis Christopherson, Fish and Wildlife Enhancement, 1501 16th Street West, Suite 230, Billings, Montana 59102, the telephone number is FTS 585-8570.

366A

9. Areas Of Critical Environmental Concern:

A. South Moccasin - Judith Mountain Scenic Area - Alternative A is my choice at this time. Alternative C has some potential for discussion, and I would like more information on "surface disturbing activities". J-9

B. Acid Shale-Pine Forest - Alternative A appears to be the best choice, at this time.

C. Square Butte ONA - Alternative E is the best choice for this unique geological feature.

D. Collar Gulch - Alternative A is my present choice, with Alternative C as a potential discussion point. Mineral entry is not withdrawn here, and certain precautions should be considered. M-1

E. Arrow Cave - Alternative E is the best option for another unique area we can protect for greater public interest.

F. Big Bend Of The Milk River - Alternative C is the best choice here, as limited mineral entry should be of little harm in this instance. Withdrawal of mineral entry is not acceptable here.

Thank you for the opportunity to participate in this commenting period. I look forward to receiving further information on those nine issues. The final RMP/EIS will hopefully be one that will suit the many valid opinions of the genuinely concerned citizens of our area and state.

Respectfully submitted,

William R. Price

cc: Rep. Tom Harkenen
Gov. Stan Stephens
Fergus County Commissioners

367

Kevin J. Ryan
Route 3, Box 3114
Lewistown, MT 59457
(406)538-9619

December 11, 1991

Mr. Dave Mari
District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Mari:

I am writing to you in opposition to portions of the Judith Valley Phillips Resource Management Plan, specifically the South Moccasin-Judith Mountains Scenic Area ACEC and the Collar Gulch ACEC. I also have questions regarding the economics of this draft proposal.

The vast amount of information in the draft JVP RMP EIS makes it impossible to address all the issues involved, but I have attended public meetings on this plan and have found that nearly everyone who took the time to show up was opposed to the increased governmental control espoused by the plan. The people who made their views known were residents of the area and whose livelihoods depended on use of public lands in one form or another. I urge you to listen very closely to what we said and make wise use of the input provided so that a workable plan can be implemented by the BLM that ensures multiple use of lands.

My impressions for the prescriptions to the preferred alternatives for the South Moccasin-Judith Mountain and Collar Gulch ACEC's are that they relieved the BLM of making decisions on a case by case basis and that a thorough review of the impacts from the preferred alternatives was not done. There are laws already in place that protect the environment from undue degradation from mining operations at both a state and national level. Enforcement of these regulations will accomplish the same goals set out in the preferred alternatives without sacrificing the positive economic impact of mining, livestock grazing, logging and recreation.

367A

South Moccasin-Judith Mountains Scenic Area ACEC
This section lacks detail, is subjective and vastly underestimates the economic impact of mining in Fergus County.

J-27 The key observation point for meeting VRM Class II specifications is Lewistown. That covers a large area and a variety of observation points. The BLM must be more specific in identifying which key observation points were used in designating the ACECs. By being specific, this will allow a company filing a Plan of Operation in the area to evaluate potential visual impacts without confusion or misunderstanding. Please respond with the exact locations of the KOP's.

E-18 On page 213, the discussion on economic impacts from the preferred alternative acknowledges that significantly reduced economic activity due to restrictions on mineral development could occur. However, it makes an unsubstantiated statement that by making the area off limits to mining, recreation will be encouraged and could potentially offset the negative economic impact of possible loss of mineral production. I am unable to imagine how this could be seriously considered. The area is currently not an ACEC and is protected by current environmental laws and yet I have never heard anyone suggest that Lewistown can increase recreation revenues by simply forbidding mining in the area. I am unable to find any survey or study that identifies the number of people using this area for recreation, the revenues collected from recreational uses and how mining specifically impacts recreation in this draft plan. Please respond with the specific data and economic information that supports the conclusions reached in the preferred alternative's economic impacts due to hardrock mining.

M-1 Collar Gulch ACEC
The Collar Gulch area has high mineral potential and incorporates patented claims, yet the preferred alternative is to withdraw it from mineral entry. The reason being is to protect a cutthroat trout that is neither endangered nor threatened. This appears to me to be a drastic measure considering the potential cost of buying the claims out by the BLM ,funded by the taxpayers, as shown on page 208.

Montana's water quality standards do not allow any industry to degrade the waters of this state unless given an exception, and even then degradation cannot exceed the EPA drinking water standards. By requiring a mining operation to meet these standards through the use of best management practices and engineering controls, the fishery in Collar Gulch can be maintained and protected and there will also be economic benefit to the community.

367B

Before the preferred alternative of mineral withdraw can be implemented, the BLM must identify the cost of purchasing the patented claims in order to specifically evaluate economic impacts of this action. My recommendation is that Alternative A be used that allows for mining by filing a Plan of Operations and meeting water quality standards.

J-34 Economic Impacts
Economic data for mining revenues in Fergus County only went through 1987 and above the gross value of metal mine production to be $600,000 in 1987 for Fergus County. This significantly underrates current revenues from mining for 1988 through 1991. In 1991, the Kendall Mine is expected to produce $22,000,000 in gross value of metal production, employ 74 people (60% of which are local residents) with a payroll of $3,340,000, and will pay approximately $784,000 in taxes. The economic impact study must be revisited by the BLM with the most current information in order to make an accurate analysis of the effects caused by going with the current preferred alternatives.

Y-16 I also find that approximately 48 additional BLM employees will be required to implement the policies proposed in the preferred alternatives. How many of the additional people will be taken from the existing pool of BLM employees and how many new people will be hired? What is the additional cost to the taxpayer for the increased staff and how will this be funded? In an era when record federal deficits are severely crippling the American economy, I absolutely cannot agree with increased government spending to fund a plan that essentially prevents economic growth of Fergus County.

Summary
In conclusion, I believe the BLM has chosen preferred alternatives without doing a thorough, in-depth analysis of the actual impacts of those alternatives. When this is done, I think you will find Alternative A for Hardrock Mining, the South Moccasin-Judith Mountains Scenic Area ACEC and the Collar Gulch ACEC is the most logical approach in managing BLM lands.

You are charged with a responsibility for wise management of public lands. Do not abdicate that authority by simply closing off lands so that you do not have to make hard decisions on a case by case basis. Leave your options open by managing for wise multiple use.

367C

Thank you for the opportunity to voice my opinion and I hope you will listen attentively to the residents of this area when making the final decisions on the Judith Valley Phillips Resource Management Plan.

Sincerely,

Kevin J. Ryan

cc: Robert LaVon, Montana BLM Director
Cy Jamison, Director BLM
Congressman Ron Marlenee
Senator Conrad Burns
Mr. Larry Grinde
Mr. Dick Knox
Fergus County Commissioners
Lewistown Chamber of Commerce
Montana Mining Association

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Hilger, Mt.
Dec. 10, 1991

Bureau of Land Management
Lewistown, Mt.

I would like to comment briefly on two aspects of the Judith-Valley-Phillips Resource Management Plan.

A-9 First, I disagree with allowing BLM to acquire any new acreage. It is my belief that any governmental unit that really desires to acquire a piece of property "for the public good" can , and most likely will, take it through the condemnation process if necessary. This, I find most deplorable and unacceptable. I feel that if the gate is opened for new land acquisition by BLM that the statement that it would only be from "willing sellers" might not necessarily be adhered to.

I-5 Second, in the Visual Resource Management section, there is much privately owned land included in the Class II category, in the Judith section as shown on page 83. I do not believe that BLM should have any authority over how privately owned agricultural land should be managed. I also request that any land which I own or have an ownership interest in be NOT included in BLM's VRM planning.

In summary, I feel BLM's RMP should be rewritten to confine its management plans to land which is now federally owned, and none other.

Sincerely,

Wallace D. Harrell

Barbara Harrell

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U.S. Mail

Box 269
Roy Mt. 59471

Dec 12 1991

1. I have been a rancher, contractor all my life in central Fergus Co. I'm 64. I've worked for many ranches and farmers. I don't know of any of the old timers that weren't conservation minded. I don't know of a place where a riparian law would have helped, except to let noxious weeds like ever increase
2. a riparian law would have prevented their control
The BLM has too much land to control now. I think they should only sell, not buy or exchange, and reduce the BLM to small controllable blocks. Use the money from the sale of land to reduce the national dept. Not waste it on more BLM expenses.
3. We are overrun by wild geese. The day is fast approaching when it will be a decision between ranchers or wild life. If the wildlife and endangered species wins, Lewistown will die. With Lewistown dead, you won't have to worry about the exotic view.

(Typed exactly as received for reproduction in the final RMP/EIS.)

370

DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
John S. Schultz	P.O. Box 216, Gross Range, MT 59032	12-13-91

To Whom It May Concern:

I am definitely against any parcels of land being expropriated for reasons of "public benefit." Be the parcels private, public, or school lands.

The operators of said lands will be severely disrupted on these ranches/farms if they do not have same, in conjunction with the deeded or private land that they now control as these are already viable working units.

The small family operator who is just considering turning the operation over to a younger generation will be unable to accomplish this task if lands are "confiscated."

The loss will be tragic in terms of rural economics, our schools will close and small local businesses will disappear.

There will be a severe restriction on the already hard pressed climate of doing business in Montana.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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December 13, 1991

B. Gene Miller
Acting District Manager
United States Department of the Interior
Bureau of Land Management
P.O. Box 1160
Lewistown, MT 59457-1160

RE: Elizabeth K. Pittman

Dear Mr. Miller:

This firm now represents the estate of Elizabeth K. Pittman, who died in 1974. This letter is in response to your letter of October 18, 1991, which I did not receive from the attorney who formerly represented the estate until December 6, 1991.

Your letter does not indicate to which property of Mrs. Pittman it refers. However, I believe it is the property in the Judith Mountains consisting of slightly less than a full section in Alpine Gulch. That property is now owned by Mrs. Pittman's heirs, all of whom live out of state. They are:

Jack Pittman
3919 Hulman
Terre Haute, IN 47802

Tom L. Pittman, Jr.
173 Behrends Ave.
Juneau, AK 99801

Pamelia Reynolds
Route 2, Box 117
Poseyville, IN 47633

You should direct future correspondence to the owners of the property at the above addresses. I will appreciate receiving a copy of correspondence you send them.

371A

Page Two
Elisabeth K. Pittman
December 13, 1991

The new owners do not know why the property appears on the BLM map and table dealing with acquisition and disposal in the final RMP/EIS. They are unwilling to allow the lands to remain on the map and table and hereby notify you they decline to participate.

Thank you. Please contact me if you have any questions.

Sincerely,

JAMES A. HOBBLE

JAH:ljs

cc: Jack Pittman

372

Stanford, Montana
Dec. 12, 1991

Bureau of Land Management
Lewistown, Mt.

Dear Sirs:
RE: RMP-EIS
Please be notified that at this time we are not interested in and exchange of BLM land for our private land. Please remove our lands from the map and table.
If at some time in the future land adjoining us should be for sale, we would appreciate being notified.

Thanks,
/s/ Raina Myllymaki
/s/ Ted Myllymaki

(Typed exactly as received for reproduction in the final RMP/EIS.)

373

Associate Member NWCA — A Proud Member of the Inland Lumber Producer Commission

JD Lumber, Inc.
At Judith Gap, Montana

Phone (406) 473-2333 — Post Office Box 206—401 Steele — Judith Gap, MT 59453
FAX (406) 473-2277

December 13, 1991

David L. Hurd, District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Hurd:

I want to take this opportunity to comment on the draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement. In particular, I would like to address the issue of Land Acquisition and Disposal and it's effect on Forest Management.

One of the major reasons J.D. Lumber, Inc. bought the sawmill at Judith Gap is the amount of private forest land in Central Montana. At this time, 80% of the timber we have under contract is privately owned. Because of our well-received harvesting practices and competitive prices, we are able to acquire private timber. The BLM cannot necessarily guarantee who will be the successful bidder of a timber sale. Therefore, I cannot support the Preferred Alternative (Alternative E) that would place an additional 22,000 acres of productive forest land under BLM ownership. I support Alternative A. It is unreasonably ambitious to think you will acquire that much additional acreage when by your own addition, 80% of the land exchanges never take place!

Also, I cannot support the idea of a $123,000.00 reduction in annual tax revenue. That is simply not fair to the taxpayers of the planning area.

Thank you for your consideration.

Sincerely,

Jeff Weimer, Owner
J.D. Lumber, Inc. of Judith Gap

JW/pk

374

Surenuff Cattle

Bill & Bobbie Cox
Christopher & Christeleah
Forest Grove, MT 59441
(406) 550-5376

To: the BLM office — Date: December 12, 1991

Subject: The acquisition of more BLM land

We oppose the acquisition of land by any government or group organization--whose purpose appears to control or eliminate food production in a nation where thousands go to bed hungry.

We oppose the acquisition of land that removes it from the tax rolls that supports our schools and community services.

We oppose the acquisition of land that eliminates family farm and ranch units that make up rural communities.

We oppose the acquisition of any land that would make "wild life" more valuable than domestic.

We support the return of Federal and State lands (not school sections) into the ownership of private AMERICAN family units.

(School sections should be on an equal basis with private lands concerning leases.)

(over)

374A

P.S. We understand the purpose of these projects (acquisition of land) maybe to employ more people.

But we need more private citizens (owners of land) to pay tax.

Instead of more tax paid employees. (fewer government employees)

R.L. Cox

375A

Mr. David L. Marz
December 11, 1991
Page 2

GENERAL COMMENTS

Section 5(d) of the Wild and Scenic Rivers Act, 16 U.S.C. section 1271 et seq., requires all Federal agencies to consider potential national wild, scenic and recreational river areas in all planning for the use and development of water and related land resources. 16 U.S.C. section 1276(d). The planning responsibility imposed by section 5(d) plainly requires the BLM to assess the values of potential Wild and Scenic Rivers during the preparation of resource management plans pursuant to the FLPMA. Recognizing that responsibility, BLM Manual Section 1623.41A2d identifies wild and scenic river recommendations as a possible determination to be made in RMP's.

To provide further guidance for fulfilling BLM's planning responsibilities for potential wild and scenic rivers, the agency's Washington office on July 23, 1987 circulated Instruction Memorandum No. 87-613, containing draft guidelines for identifying, evaluating, and protecting potential wild and scenic rivers on BLM lands. That guidance was promulgated by the Director in final form in Instruction Memorandum No. 87-670 and the attached Guidelines for Fulfilling Requirements of the Wild and Scenic Rivers Act (the "Guidelines"), issued September 4, 1987 and renewed annually. In addition, the Director included a 1988 and renewed annually. In addition, the Director included a "Wild and Scenic River Act Plan Review Procedures Summary" with his June 6, 1990 Memorandum to State Directors concerning the resolution of existing American Rivers' Directors concerning the resolution of existing American Rivers' Protests that clarified certain elements of the study process.

Under the directions established in the Guidelines, planning for potential wild and scenic rivers on BLM lands follows a relatively straightforward, three-step procedure. Each BLM resource management plan is to:

(1) evaluate the eligibility of potential wild and scenic rivers within its planning area for inclusion in the National Wild and Scenic Rivers System in accordance with the criteria set forth in Section 1(b) of the Wild and Scenic Rivers Act (i.e., whether the river is free-flowing and possesses one or more "outstandingly remarkable" values);

(2) determine the appropriate classification ("wild," "scenic," or "recreational") for rivers found to be eligible;

(3) assess the suitability of such rivers for inclusion in the national rivers system, based upon the public values and uses that would be enhanced or foreclosed by

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American Rivers

December 11, 1991

David L. Marz, District Manager
Lewistown District Office
USDI/Bureau of Land Management
Post Office Box 1160
Lewistown, Montana 59457-1160

Re: Draft Judith Valley Phillips Resource Management Plan and Environmental Impact Statement

Dear Mr. Marz:

American Rivers, formerly named the American Rivers Conservation Council, is a national, public interest not-for-profit corporation with more than 17,000 members nationwide. American Rivers is the only national conservation organization dedicated exclusively to the preservation of free-flowing rivers. In its eighteen-year history, American Rivers has worked intensively to protect rivers under the Federal Wild and Scenic Rivers Act and has actively assisted states and local groups with their river conservation efforts.

American Rivers has worked extensively with the Bureau of Land Management ("BLM") since 1987 in its planning efforts for the river resources on the public lands. American Rivers has assisted the planning staff in Washington to clarify administrative direction for consideration of potential wild and scenic rivers in BLM's resource management planning, and has reviewed and commented on numerous BLM plans. American Rivers has filed to date six Protests of Resource Management Plans. Each Protest alleged, inter alia, that the individual RMP failed to comply with the Wild and Scenic Rivers Act and explicit agency administrative requiring that BLM study potential wild and scenic rivers and provide interim management prescriptions for those rivers found eligible. On June 4, 1990, the Director agreed that the four RMPs failed to comply with the Wild and Scenic Rivers Act and advised the affected State Directors that additional planning was required to comply with established requirements. One of the other RMPs was subsequently withdrawn and American Rivers entered into a negotiated settlement of the sixth RMP, the Arizona Strip RMP.

American Rivers members live near, use and benefit from the resources of the Judith Valley Phillips Resource Area, including its rivers and associated landscapes.

801 Pennsylvania Ave. SE
Suite 400
Washington, DC 20003
(202) 547-6900
(202) 547-6111 (FAX)

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Mr. David L. Marz
December 11, 1991
Page 3

such protection, the degree of public, state and local interest in designation, and practical concerns regarding costs and feasibility of administration.

Guidelines, Section VIII, at 9-12.

Until a final decision is reached by the agency and, for recommended rivers, by Congress, BLM is to protect river resource values and characteristics through specific management prescriptions established in specific or programmatic interim management plans. Guidelines, Section IV.C., at p. 7; Section IX, at p. 20.

I. Comments Concerning Eligibility

W-2 American Rivers does not find credible the conclusion that of 187 streams on within the analysis area, only one possesses an outstandingly remarkable value. The information contained in Appendix G does not represent a credible resource inventory of values possessed by rivers which flow through the area.

For example, Milk River is nominated as an ACEC due to nationally significant archaeologic values. Draft RMP at 388. Such values should lead to a presumptive finding of eligibility. Similarly, Bitter Creek appears to possess outstandingly remarkable scenic values. Id. American Rivers believes that based upon this information, and other information in the Draft, there are likely other candidates for wild and scenic status.

II. Suitability of Judith River

American Rivers believes that the planners improperly determined that the entire length of the Judith River is not suitable and that the planners misinterpreted BLM guidance concerning study of rivers which flow through mixed ownerships. BLM guidance indicates that the percentage of BLM ownership, i.e., substantial control of 40-50% of the total shoreline and adjacent lands, should be used as a guide in identifying segments for study. Guidelines, section VIII.A.1.c. The Guidelines also provide that "joint studies" should be followed, to the extent practical, where a river identified on the NRI touches only a small area of public lands. Id. at VIII.C.[1]

[1] Although the Guidelines explicitly refer to "joint studies" only in the context of NRI rivers, American Rivers believes that the principle of interagency cooperation should not be limited to NRI-listed rivers. Rather, the BLM should pursue (continued...)

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American Rivers believes that the appropriate procedure to be followed in situations of mixed ownership is to determine whether a stream and its adjacent area possess outstandingly remarkable values. This determination may include the identification of particular segments, based upon land ownership, changes in river character and the other factors listed in Guidelines, section VIII.A.1.c. If a river segment is eligible, then it is subject to interim protection pending a determination of suitability.

BLM may defer suitability studies of particular streams, particularly in the case of a joint study. Guidelines, section VIII.B and C; however, the RMP must include decisions on eligibility and classification. Id.

BLM may choose to defer the suitability study to a joint study; however, the Plan should identify which streams may be eligible for the national rivers system, and it should protect those streams, or stream segments, which do qualify until a decision has been made concerning the stream's suitability for federal designation.

III. Additional Comments

Only through full documentation of the basis for BLM's findings can the public be assured that the agency has in fact given these streams the consideration mandated by section 5(d) of the Wild and Scenic Rivers Act, and that rivers and streams with potential as additions to the national rivers system have not been rejected on a superficial examination.

The fundamental importance of such documentation is plainly expressed in the Guidelines: "The RMP record of decision (ROD) serves as the release document for river areas, or portions of river areas/segments, determined nonsuitable for WSR river designation." Section VIII.B.1.

Moreover, pursuant to the National Environmental Policy Act (NEPA), the planning documents must assess the potential environmental impacts of any decision not to recommend rivers for inclusion in the national rivers system. In California v. Block, 690 F.2d 753 (9th. Cir. 1982), the United States Court of Appeal for the Ninth Circuit held that the Forest Service is required to

---

[1](...continued)
such interagency cooperative agreements whenever a river which possesses outstandingly remarkable values is identified.

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prepare a site-specific EIS when it decides in its planning process to release potential wilderness areas for nonwilderness uses. BLM decisions not to recommend designation for potential wild and scenic rivers, like decisions releasing potential wilderness areas, irreversibly commit the resources of such rivers and their adjacent lands, and require similar site-specific environmental analysis. Even where the BLM establishes relatively protective prescriptions for a river area in its RMP, such as an ACEC, the decision not to recommend Wild and Scenic River designation exposes the river to a continued risk of hydroelectric development that may degrade or destroy the river's free-flowing character, and to mineral development that may impair its outstanding natural values.

American Rivers' concern with the depth of the planners' eligibility analysis is not a mere academic concern. In addition to identifying eligible streams, the description of outstandingly remarkable values is a central component of any suitability study. The heart of the suitability determination is a consideration of the characteristics that make a river and its corridor a worthy addition to the national rivers system. Guidelines, section VIII.A.3. That analysis is crippled if the eligibility determination is incomplete. Also, streams not found eligible are subject to management activities which may impair or even preclude their later inclusion in the national rivers system.

W-1 American Rivers is concerned also that the planning team may have adopted a screen, either formally or informally, that resulted in the exclusion of streams of relatively small length or volume. Congress provided an expansive definition of "river" in the Wild and Scenic Rivers Act. See 16 U.S.C. 1286(a) ("River' means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes."). The wild and scenic rivers system encompasses a wide range of rivers and streams, from Alaska's vast Fortymile River system to the North Fork Owyhee in Oregon to Louisiana's Saline Bayou River. The public lands planning activities of BLM and the Forest Service are leading to the identification of literally hundreds of rivers eligible for the national wild and scenic rivers system.

Assuming that additional rivers are found eligible, the RMP should include detailed management prescriptions.

In order to protect the resource values and character of its potential wild and scenic rivers until a decision is reached regarding their designation, BLM's Guidelines require agency planners to establish detailed management prescriptions. The

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W-4 Guidelines state: "... the RMP must prescribe the protection (interim management prescriptions) to be provided for the river and adjacent public land area pending the suitability and, when necessary, subsequent action by the Congress." Guidelines, Section VIII.A.3.a., at p. 11 (emphasis added).

The Guidelines address in detail the scope of management prescriptions that should be adopted:

> Specific management prescriptions for river corridors identified from the NRI list, or otherwise identified for study, should provide protection in the following ways:
>
> 1. Free-flowing values. The free-flowing characteristics of such identified river segments cannot be modified to allow stream impoundments, diversions, channelization, and/or rip-rapping to the extent the BLM is authorized under law.
>
> 2. River values. Outstandingly remarkable values of the identified river segment or area must be protected (subject to valid existing rights) and, to the extent practicable, enhanced.
>
> 3. Classification impacts. Management and development of the identified river and its corridor cannot be modified, subject to valid existing rights, to the degree that its eligibility or classification would be affected (i.e., its classification cannot be changed from wild to scenic, or scenic to recreational).

Guidelines, IX, B., at 1-20.

We trust these comments assist the planning team complete and improve the RMP. Please do not hesitate to communicate with us if you have any questions concerning any of the matters set forth above. American Rivers looks forward to working closely with the Judith Valley Phillips Resource Area.

Sincerely,

Thomas J. Cassidy, Jr.
General Counsel

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Gene Miller
Assistant District Manager
Bureau of Land Management
Lewistown District Office
Box 1160
Lewistown, MT 59457

December 12, 1991

Dear Mr. Miller:

As residents of Lewistown and users of public lands in the Judith-Valley-Phillips Resource Area we support the preferred action identified in the Resource Management Plan - Environmental Impact Statement.

We fully support the Bureau of Land Management's efforts to protect the visual and scenic resources in the Judith and South Moccasin Mountains. It is a priceless resource that will far outlast the short term benefits of uncontrolled mining. We also support the BLM's plans to acquire private lands that would create more manageable units of public land. We would prefer these lands be acquired from willing sellers whenever possible.

Thank you for the opportunity to comment.

Sincerely,

William J. Sarg

William J. Sarg
Nancy A. Sarg

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PAGE #2

MOSTLY LOCAL MONTANAN'S - DIRECTLY TO LOCAL B.L.M. EMPLOYEES - WHO ARE THE SAME PERSON'S PROPOSING THIS JUP DRAFT PLAN - AND THESE ACTUAL PERSON(S) HAVE NOT UPON S.U.S.E.R. REQUESTS - PROVIDED ANY DOMESTIC LIVESTOCK GRAZING - DOLLAR TRACKING - FOR ANY FEDERAL PUBLIC LANDS - WITHIN THE THREE J.U.P. RESOURCE AREA'S —

THIS IS A VERY LARGE ECONOMIC PART AMOUNT - NOT ACCOUNTED FOR BY THE PRODUCERS OF THE JUP DRAFT PLAN — WHO HAVE COLLECTED AN AMOUNT OF DOLLARS FROM WITHIN THE SAID JUP LAND BOUNDARIES - THESE 3 ACCOUNT TYPE DEPOSITS MUST BE PUBLISHED - SO AS TO PROVIDE THEIR DOLLAR VALUE - WITHIN THE JUP DARFT —

ACCOUNT #'S 1458916.11 — FOR 50% OF SAID COLLECTED DOLLARS - ARE TO RETURN TO - B.L.M.'S L.D.O. - AND THEREFORE A PORTION TO BE CONSUMED FOR AND/OR ON U.S. GOVERNMENT LAND'S WITHIN THE MANAGEMENT (BY LOCAL INDIVIDUAL B.L.M. EMPLOYEES) OF THESE DOLLARS

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THIS WAS MAILED WITH A RETURN RECEIPT PI'ED CARD SIGNED - YADA'S ?,

DEC. 14, 1991 — JOE TRAN'S - COMMENT'S ON JUP - DRAFT PLAN -
TO: U.S.D.I. B.L.M. - MES - DIRECTOR —
AND COPY TO ....
DISTRICT B.L.M. MANAGER - L.D.O. -
LEWISTOWN MT - 80 AIRPORT RD - 59457

1ST COMMENT - NO DOMESTIC LIVESTOCK GRAZING ACRES - DEPICTED -
(A) TOTAL GRAZING ACRES ARE UNKNOWN
(B) TYPE OF GRAZING ACRES ARE UNKNOWN -
(C) NUMBER OF PREFERENCE AUM'S UNKNOWN
(D) NUMBER OF ACRES AND TRACKING OF DOLLARS COLLECTED - UNDER SECTION #1 OF TAYLOR GRAZING ACT. - ACCOUNT # 1458032 - CAN NOT BE LOCATED AT L.D.O. -
(E) NUMBER OF ACRES AND TRACKING OF DOLLARS COLLECTED UNDER SECTION #15 OF THE TAYLOR GRAZING ACT - ACCOUNT # 1458016 - HAS NOT BEEN PREPARED AND/OR RETAINED FOR PUBLIC VIEW -
(F) NO TRACKING OF BANKHEAD-JONES DOLLARS COLLECTED AND DEPOSITED IN ACCOUNT # 1458916.11 - OR RECORDS AVAILABLE B.L.M. L.D.O. — 1991 — OR AT THE 3 RESOURCE AREAS — AS TO BE MANAGED UNDER JUP DRAFT PLAN -
2ND THIS IS A VERY LARGE - LAND USE - PAID FOR - IN CASH DOLLARS - BY

378B

PAGE #3

FOR RANGE IMPROVEMENT - OF LANDS NOW TO BE MANAGED UNDER THIS JUP DRAFT PLAN -
THIS DOLLAR AMOUNT MUST BE PROVIDED BY THE INDIVIDUAL B.L.M. EMPLOYEES WHO ARE PAID TO COLLECT SAID DOLLARS — THEN DEPOSIT SAID DOLLARS - THEN PLAN AND EXPEND SO % OF SAID DOLLARS WITHIN PLAN - AS $200 FUND DOLLARS SO AS TO IMPROVE THE U.S. GOVERNMENT RANGE LANDS IN MONTANA UNDER THE MANAGER'S DIRECT SUPERVISION OF THE J.U.P. DRAFT PLAN -
REASON - THE $200 FUND FOR THE B.L.M. L.D.O. AND/OR LANDS WITHIN THE JUP DRAFT PLAN - WELL EXCEED 1/2 A MILLION DOLLARS EACH YEAR - JAN 1, 1992 TO DEC. 31, 1998
ALSO SAME FOR $100 FUNDS - MADE UP OF COLLECTED DOLLARS BY LOCAL B.L.M. EMPLOYEES - AND DEPOSITED BY LOCAL B.L.M. MANAGER'S DIRECTORSHIPS — FROM ACCOUNT #'S 1458016 AND 1458032 - THIS IS ALSO 50% OF ONLY GRAZING FEE AUM DOLLARS COLLECTED - AND SHOULD EXCEED 1/4 OF A MILLION DOLLARS EACH OCT. 1ST THRU SEPT 30TH

378C

-4-

Fiscal year - To be managed by the local B.L.m. Employees Producing This J.U.P. Draft Plan To manage and administer these estimated 3/4 of a million Dollars For Range Improvement within the Lewistown B.L.m. Grazing District which the same managers will administer the Great Dollar Amount For JUP Grazing [R.I.] Land Betterment. And No local B.L.m. Employee - is Permitted To - Track This (approx) 1 1/2 million cash collected Dollars - From within the Lewistown District which includes many lands under JUP Draft Plan -

Then these same B.L.m. Local Managers and Staff will not Account For The Appropriated 1.2 million Dollars under Range Improvement Sub Activity - As 4320 Fund Dollars - That have been or are being consumed By themselves (As Authorized Officers U.S.D.I. B.L.m. Employees to be Responsible For Accountability of said Dollars) For Lands Contained with in the Draft Plan -

378D

Page 2

The Basic Draft Plan [JUP] is To Show How The B.L.m. intends To Administer And Manage -

A. 8200 Fund Dollar -
B. 8100 Fund Dollars -
C. 4320 Fund Dollars -

This Basic Draft Plan - Does Not Address Any of the -

1st collection of these Dollars

2nd The Proper Depositing of these Dollars [For Redistribution To Montana's And So'd. To B.L.m.'s management of Range Land - within Draft Plan JUP

3rd. Any Actual Known Expenditures Past or Present -

4th - Under P.L. 94-579 - The law which The B.L.m. Local Draft Producers (Individuals not The B.L.m) state in Draft Plan they are Directed To Follow -

No Present Updated Required Inventory of U.S. Government Public Lands - For Public view may be Ascertained - ** Note All Sections Thru Section 201 - which Defines What The Producers of said

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Page 3

JUP Draft Management Plan must have - And These Public Records - must be Available Thru- 43 CFR 1813 - They are not Available - Thru L.H.O. B.L.m. Manager And/or The Three J.U.P. Resource Area Managers - . This is Hard To Believe - But it is fact Under 5 USC 552 - (Reply's)

These Records in Part must be Financially Accountable Thru -

✓ F.R.B. - Accounting System - [But are Not For The Past or Present] - A U.S. Treasury Accounting System.

✓ FFS - B.L.m.'s Financial Accounting System - But The L.H.O. B.L.m. Collections And 1st Deposits can Not Be Tracked or Located in Any Manner -

Both These Systems - Effect The Dollars - Managed And Administered By B.L.m. Paid Employees [From A Portion of Those Not Accounted For Dollars] While Preparing This Voluminous Stack of Papers - The JUP Draft Plan - Also For Future Plan Expenditure Costs -

378F

Page 4

Since The Local B.L.m. Employees have Not Accounted For The Expenditures of the Millions of Dollars Prior To or During The Time of Producing And Holding Hearings - And Reading This J.U.P. Draft Plan Comment - They The Local B.L.m. Employees - Staff - Managers (6) District Managers(1) who all have A Direct Monetary Affect on All B.L.m. Expended Dollars - But..... Without Any Records of How many Dollars Are Provided - Without Any Zero To Zero Accounting System - For Daily - Weekly - Monthly or Yearly (Both Fiscal Year And Calendar Year) Expenditures As Authorized - By Signatures of Local B.L.m. Employees. - So As To Verify - Said Expenditures And Balance in Each Separate Sub-Activity Account That Affects The Draft Plan itself. - The U.S. Government Lands Contained within The J.U.P. Plan Boundaries -

My Main Comment - Can The Local B.L.m. Paid Employees who have

378G

PAGE #8

Y-1 PRODUCED SAID PLAN - PUBLISHED SAID PLAN - PROVIDED REASON FOR NEED FOR SUCH A PLAN -

*** PRODUCE THE RECORDS OF U.S. TREASURY ACCOUNTS - FOR B.L.M. LEWISTOWN DISTRICT AND/OR AREAS WITHIN PROPOSED JUP DRAFT PLAN - FOR PAST 1, 2, 3, 4 YEARS FISCAL AND CALENDAR YEARS - #145896.11 - ... #145032 ..... #145016 .... ?

**** PRODUCE THE RECORDS OF INCOMMING DOLLARS - PLACED IN SUB ACTIVITY ACCOUNTS - AS ....
8100 - 8200 - 4320 - 3110 ETC.
ACCOUNTS - BY PAST ABOVE YEARS ....

***** - THE EXPENDITURES OF SAID DOLLARS WITHIN THE BOUNDARIES OF THE PLAN THEY ARE CONSTRUCTING AND PRODUCING -

****** - THE DATE OF THE FIRST B.L.M. INVENTORY MADE UNDER P.L. 94-579 OCT 20, 1976 - WHICH INCLUDED ANY OF THE ACEC - LANDS DEFINED IN JUP DRAFT PLAN - AND WHERE COPIES OF SAID INVENTORIES MAY BE VIEWED - PRIOR TO ANY FURTHER DECISION ON THIS B.L.M. LOCAL PLAN

378I

PAGE #10

XXXXX ... WHO [PRESENT NAME AND JOB RESPONSIBILITY TITLE - WITH REDELEGATED AUTHORITY] IS RESPONSIBLE TO PROVIDE ANY AND ALL PROCEDURAL AND FINANCIAL ACCOUNTINGS FOR THE COST IN DOLLARS - OF PREPARING - PRODUCING - PROVIDING - INFORMATION AT MEETINGS - AND REVIEWING ALL COMMENTS AND APPLICABLE FEDERAL STATUTES - [AS IN ONLY U.S.O.I. SOLICITORS MAY INTERPRETATE ANY FEDERAL STATUTE - NO LOCAL B.L.M. EMPLOYEE IS PERMITTED TO DO SO-] PERTINENT TO THIS SAID JUP DRAFT 1991 PLAN - ??? -

XXXXXX - IF NO LOCAL PAID EMPLOYEE IS RESPONSIBLE FOR THE NUMBER OF FEDERAL DOLLARS CONSUMED BECAUSE OF B.L.M. [LOCAL EMPLOYEES] SELF-CREATED NEED TO - REQUEST AND RECEIVE MILLIONS OF DOLLARS SO AS TO PREPARE FOR OVER THOSE YEARS THIS DRAFT PLAN [JUP]

XXXX - WHO WILL BE RESPONSIBLE FOR THE PROCEDURAL AND ACCOUNTING, FINDING ACTION WHEN FINAL JUP PLAN IS IMPLEMENTED BY ANOTHER LOCAL →

378H

PAGE #9

THE ***** NUMBER OF ACEC COMMENTS PROVIDED TO THE B.L.M. M.S.O. DIRECTOR - WITHIN THE 60 DAYS STATUTORY PROVIDED BY - TITLE 43 CFR 1600 ... ET AL ....

THE ****** 43-CFR 1600 - INFORMATION PROVIDED TO THE GOVERNOR OF MONTANA - ON ACEC'S WITHIN SAID FEDERAL REGISTER NOTICE JUNE 1991 ....
PLUS - A COPY OF ANY WITHIN 60 DAY RESPONSE FROM THE MONTANA GOVERNORS OFFICE ON THE CONSISTENCY REQUIREMENT PLACED BY 43 CFR 1600 ..... ET AL ..

PLUS - A COPY OF THE FINAL DECISION MADE BY B.L.M. M.S.O. DIRECTOR ON ACEC'S PUBLISHED IN JUNE 1991 FEDERAL REGISTER - REJECTED TO BE WITHIN THE BOUNDARIES OF THE JUP DRAFT PLAN -

PLUS A COPY OF THE LAND INVENTORY UNDER P.L. 94-579 - THE ACEC'S WERE PROPOSED FROM - NOTE: LANDS HAVE TO BE CLASSIFIED AS ACEC'S PRIOR TO THEM BECOMING FACTUALLY INVENTORIED U.S. GOVERNMENT PUBLIC LANDS -

378J

PAGE #11

HIGHLY PAID B.L.M. EMPLOYEE - WHO ALSO CAN NOT OR WILL NOT PROVIDE COPIES OF DOLLAR ACCOUNTINGS - OF AND FOR REVENUES RECEIVED FROM LANDS WITHIN JUP PLAN BOUNDARIES FOR PAST FISCAL AND CALENDAR YEAR [1]

[1] CALENDAR YEAR REQUIRED FOR DEPOSITS INTO U.S. TREASURY ACCOUNT #145896.11 FROM CLASSIFIED AND DESIGNATED PUBLIC LANDS - CONTAINED ON RECORDS UNDER 43 CFR 1813 - FROM WITHIN HIS B.L.M. OFFICE BUILDING -

HE ALSO WILL NOT PROVIDE CURRENT INVENTORIES OF U.S. GOVERNMENT PUBLIC LANDS - UNDER HIS CONTROL - WHICH ARE SITUATED WITHIN THE J.U.P. DRAFT AREA IN MONTANA -

HE WILL NOT PROVIDE COPIES OF GRAZING FEES (RATED BY AUMS) AS A DOLLAR VALUE - FROM LANDS WITHIN SAID DRAFT J.U.P. PLAN -

HE WILL NOT PROVIDE TRACKING OF B.L.M.'S LOCAL EXPENDITURES OF →

378K

PAGE #1/2

FUNDS FROM SUB ACTIVITY ACCOUNTS — 8100, 8200, 4320, AND 3110 FUNDS AS THE ACTUALLY EFFECT (AFFECT) U.S. GOVERNMENT LANDS WITHIN SAID JUP DRAFT PLAN —

SINCE THE B.L.M. MONTANA — NORTH DAKOTA AND SOUTH DAKOTA STATES DIRECTOR — IS THE INDIVIDUAL TO FINALLY IMPLEMENT SAID FINAL JUP PLAN —

JOE TROWS SPECIAL COMMENT !!!

I WOULD LIKE TO HAVE THE OPPORTUNITY TO VIEW THE ACTUAL FINANCIAL ACCOUNTS RECORDS — THE ACTUAL APPLICABLE SECTIONS OF FEDERAL STATUTES THAT THIS ONE PAID B.L.M. EMPLOYEE WILL HAVE - AS ACTUAL AND FACTUAL INFORMATION ON WHICH TO BASE HIS FINAL DECISION ON —
ACCESS IN AREA —
ON ADMINISTRATION AND SPECIAL COSTS MANAGEMENT OF SAID AREA BY OTHER PAID B.L.M. EMPLOYEES FOR MANY YEARS YET TO COME ....

378M

PAGE #1/4

WHO ARE ALSO SAID STATE DIRECTOR L.D.O. MANAGER — 3 SEPARATE RESOURCE AREA MANAGERS —

WOULD IT BE PROPER TO REQUEST MR. ROBERT LAWTON — AND/OR SUBORDINANT SAID MANAGERS (4) TO PROVIDE THESE ACTUAL RECORDS FOR A PUBLIC VIEWING - PRIOR TO ANY FINAL DECISION TO BE MADE BY NOW - MR ROBERT LAWTON - WHO HAS NOT BEEN PRESENT DURING THE CONSTRUCTION AND PRODUCING OF SAID JUP DRAFT —

IS NOT ~~[redacted]~~ TRULY KNOWLEDGABLE OF THE ACCESS FOR THE AREA HAS NOT AUTHORIZED THE PAST. COSTS OF THE DRAFT JUP PLAN — HAS NOT REVIEWED THE ACTUAL LAND REVENUE RECEIPTS PROVIDED FROM WITHIN SAID AREA - FOR PAST YEARS —

HAS NOT REVIEWED THE ACTUAL EXPENDITURES OF 8100, 8200, 4320, AND 3110 ETC.. PERTINENT FUNDS - OF PAST YEARS SO AS TO PROVIDE FOR THE BETTERMENT OF SAID FEDERAL LANDS WITHIN THE PLANNED AREA —

378L

PAGE #1/3

MAY ANY MONTANAN VIEW THE RECORDS - DOCUMENTS - UP DATED FINANCIAL ACCOUNTINGS - THAT THE B.L.M. DIRECTOR - MONTANA - WILL BE MAKING HIS FINAL DECISION - JUST PRIOR TO PROVIDING HIS DECISION OF RECORD - APPROVING SIGNATURE AND/OR ANY AND ALL PAST RECORDS HE HAS VIEWED AND ARE RETAINED AND MAINTAINED AS OFFICIAL U.S.D.I. RECORDS —

A. AT THE PUBLIC RECORD ROOM B.L.M. BILLINGS MT. — 222 N. 32 ND ST.

B. AT THE PUBLIC RECORD ROOM — B.L.M. LEWISTOWN - 80 AIRPORT RD —
(i) UNDER DISTRICT MANAGERS RESPONSIBILITIES —
(ii) UNDER JUDITH VALLEY RESOURCE AREA MANAGERS RESPONSIBILITIES -
(iii) WITHIN ESTABLISHED FILES UNDER THEIR CUSTODY ....

C. AT PHILLIPS RESOURCE AREA — MALTA MONTANA — GRACE

D. AT VALLEY RESOURCE AREA - OFFICE ... OK --

MAY COPIES BE PROVIDED THRU 5 USC 552 REQUESTS — ?? F.O.I.A. OFFICERS

378N

PAGE #1/0

THIS IS A COMMENT AND REQUEST FOR A PROVIDED RESPONSE —

AT THE PRESENT TIME IS MR ROBERT LAWTON RESPONSIBLE FOR THE ACCOUNTING OF DOLLARS RECEIVED FOR USES OF FEDERAL LANDS UNDER HIS JURISDICTION WITHIN THE STATE OF MONTANA ?

AT THE PRESENT TIME IS MR ROBERT LAWTON RESPONSIBLE FOR ALL THE FEDERAL DOLLAR SPENT — BY B.L.M. PAID EMPLOYEES (S) UNDER HIS VESTED AUTHORITY — AND PUBLISHED JOB RESPONSIBILITIES SO AS TO DIRECT ALL B.L.M. ACTIONS UNDER HIS DIRECTORSHIP -

AS RECORDED AND RETAINED FOR A SPECIFIED NUMBER OF YEARS - AS PUBLIC RECORDS - THAT ARE READILY AVAILABLE TO THE RESIDENTS OF MONTANA - SO AS TO ASCERTAIN THE NUMBER OF DOLLARS THAT HAVE BEEN CONSUMED BY AND FOR INDIVIDUAL B.L.M. U.S.D.I. LOCAL MONTANA EMPLOYEES — BY — APPROVED AND SIGNED FOR EXPENDITURES WITHIN EACH B.L.M. RESPECTIVE STATE DISTRICT, AREA, OFFICE [illegible] WITHIN

3780

PAGE 16

OUR STATE OF MONTANA.....

I, JOE TROW, HAVE FACTUAL PROOF THAT MR ROBERT LAWTON IS NOT ABLE TO PROVIDE ACTUAL AND ACCEPTABLE AUDITABLE RECORDS OF DOLLARS COLLECTED BY B.L.M. EMPLOYEES WITHIN MONTANA AND/OR RECORDS OF ACTUAL RECORD EXPENDITURES OF SPECIFIC SUB ACTIVITY FUNDS UNDER HIS NOW DIRECTORSHIP — AND PUBLIC LAND RECORDS (43 CFR 1813) — THESE STATEMENTS ARE SUBSTANTIATED BY TITLE 5 USC 552 — FREEDOM OF INFORMATION ACT — REQUEST RESPONSES — MADE BY AUTHORIZED B.L.M. OFFICERS WITHIN THE U.S.D.I. BUREAU OF LAND MANAGEMENT WITHIN THE PAST FOUR YEARS.

THIS MUST [AND SAID LAND RECORDS AND FINANCIAL ACCOUNTINGS] BE UPDATED AND REFIXED WITH AUTHENTICATED OFFICIAL RECORDS PRIOR TO ANY APPROVALS AND/OR FOR ANY FUTURE MANAGEMENT B.L.M. PLANS THROUGHOUT OUR STATE OF MONTANA

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
DAVE J. PLOYHAR	B 3066 RT 3 LEWISTOWN MT 59457	DEC 15, 1991

LETS FACE IT
WE THE PEOPLE (THE TRUE GOVERNING
ARE BANKRUPT
WE CAN NOT AFFORD A HEAVEN ON
EARTH FOR MOTHER NATURES PEACE!

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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PAGE 17

THESE ARE 17 HAND PRINTED PAGES OF COMMENTS — ON AND ABOUT A VOLUMINOUS (NUMBER OF PAGES PLACED TOGETHER) UNDOCUMENTED — UNSIGNED DECISION (USED RECORDS WITHOUT CERTIFICATION OF VALIDITY WITHIN THE U.S.D.I.) MADE SO AS TO PRODUCE AS FACT IN SAID J.U.P. DRAFT PLAN — NO ONE B.L.M. INDIVIDUAL RESPONSIBLE FOR THE RECORDS OF THE TOTAL COST — NO OFFICIAL 43 CFR 1881 LAND RECORDS - AS TO ALL LAND CLASSIFICATIONS NO OFFICIAL INVENTORIES - P.L. 94-579 - NO RECORDS TO SUBSTANTIATE — PL-94-565 PAYMENTS TO SCHOOL DISTRICTS AND/OR COUNTIES WITHIN PLAN AREA —

THANK YOU - TO THE INDIVIDUAL B.L.M. LOCAL MONTANA EMPLOYEES - WHO HAVE ACTUALLY REVIEWED ALL REQUIRED PROCEDURAL AND FINANCIAL ACCOUNTING RECORDS — WHO MUST THEN KNOW THE LOCATION OF EACH OF THE RECORDS THEY VIEWED - WHILE PREPARING PAGES AS PUBLISHED IN JUP 1991 JUNE DRAFT — JOE TROW - 12/17/91
BOX 1061 LEWISTOWN MT 59457

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
Ted Kelly	HC 65 Box 6210 Malta, MT 59538	12/12/91

The land dissertations of my families land (BLM) you want to acquire doesn't even belong to us. So of course most of the Draft how the same mistakes, but people from other areas will think the Draft is accurate. Oh, Yes the way you do business? You have only 111,000 acres to dispose of, then how will you acquire 632,000 acres and as stated in your letter of 10/16/91 "Disposal of more than is acquired." The economic assessment shows a reduction of 4591 cattle in alternative E (preferred) of these are mostly cows and at present value of calves $85 ea x .975 to an animal the loss will be $1,006,116 per year. Not to count taxes to federal, state, local, but is not totally that recreation - wetlands improvement will increase grazing as much as you say because you will as history shows restrict grazing. Tourism and visits and other recreation will not increase that much as we are on U.S. 2 and other secondary roads and not

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District Manager
P.O. Box 1160
Lewistown, MT 59457

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the interstate which goes through Bozeman. Also winter is very harsh and mosquitoes are very bad in summers.
In summary - on small cases, due to the inaccuracies of the Draft and the negative economic impact and the fact that no recognition is given to private landowners for water developments, tree plantings, improved pastures and other benefits to wild life habitats I feel Alternative A is best for all concerned. We ranchers and locals are not doing that bad of a job taking care of the land. If you were honest in the Draft, it would show the benefits to wildlife, etc. that has been provided by the farmer & rancher.
Thank you,
Fred Kelly

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DRAFT
Judith
Valley
Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
JOHN PLAYMAR	D. 2000 RT 2 LEWISTOWN MT 59457	DEC. 12, 1991

IF THIS COUNTRY GOES BANKRUPT THIS LAND MUST HAVE A LAW TO PREVENT IT FROM BEING TURNED OVER TO INTERNATIONAL CONTROL

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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W.H. Anderson Box 244 Hinsdale MT 59241 12/10/91

It would appear the B.L.M. has been infiltrated by the Nature Conservancy or the Trust for Public Land. The proposal to trade a Total of 166000 acre acres for 632000 acre acres of private land which a good share is some of the more productive private land only make a bunch of mad lessee!!! Antagonistic !! perhaps fits better!
The maps with no roads fences or building sites makes it appear a complete Wilderness already. The black footed ferret is just another weasel. Before there was a B.L.M. All the ranchers went together & poisoned prairie dogs & gophers to conserve a little grass, it took years to deplete them to where they could be lived with!! Now they want to preserve them!!!
Sincerely

(Typed exactly as received for reproduction in the final RMP/EIS.)

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KENDALL

CR KENDALL
P.O. Box 730
Hilger, MT 59451
Phone: (406) 538-5581 Fax (406) 538-7024

December 12, 1991

B. Gene Miller
Acting District Manger
Bureau of Land Management
Lewistown District
P.O. Box 1160
Lewistown, Mt. 59457-1160

Dear Mr. Miller:

CR Kendall Corporation is pleased to submit the following comments on the Judith Valley Phillips, Resource Management Plan, Environmental Impact Statement.

Overall we found the Judith Valley Phillips RMP EIS to be a well constructed easy to read document. This is impressive given the size of the area and the number of issues covered. CR Kendall, however, does have serious concerns about the potential of the South Moccasin-Judith Mountains Scenic Area ACEC and the Collar Gulch ACEC proposals to cripple future mining exploration and development in the Judith Mountain range. CR Kendall hopes that the BLM will reconsider the extent of the restrictions placed on surface mining within the Judith Mountain Scenic Area and reconsider its recommendation to designate Collar Gulch as an ACEC and to withdrawal the area from mineral entry. I-9

CR KENDALL's CONCERN

The potential impact of the prescriptions placed on mining within the South Moccasin-Judith Mountain Scenic ACEC by BLM's own admission would "effectively prohibit developing hardrock resources by open-pit mining methods" (page 168). We also interpret the proposed prescriptions to have this effect.

While we agree that the BLM is justified in its belief that mining development on the visible face of the Judith Mountains should be considered a sensitive issue, we also believe that the prescriptions go too far in protecting the visual resources at the total expense of open pit mining.

The Collar Gulch ACEC goes even further with its proposed withdrawal from location under the existing mining laws.

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The combined effect of these two ACEC designations would be to severely limit the mineral development potential of the Judith Mountains. The restrictions would not only affect the development of minerals within their boundaries but could ruin the economics of deposits that cross the boundaries. The Collar Gulch ACEC could easily make development of small deposits on either side of its boundaries, needed to feed a common processing facility, uneconomic due to the restrictions on building support facilities within the ACEC.

WHY IS THIS ISSUE IMPORTANT TO CR KENDALL AND THE COMMUNITY?

The Kendall Mine is an important employer, tax payer and purchaser of services in the local community. The current reserves at the Kendall mine will be exhausted by 1985-1986. If new reserves are not located, the mine will shut down. The Judith Mountains are high on the list of exploration targets intended to supply these new reserves. Whether the Kendall facilities would be moved to the Judiths or the Judith ore trucked to the existing Kendall operation would depend on how much ore was found, its location and the economics involved.

While the EIS talks in terms of one or two small, new mines being foregone due to its proposed preferred alternative, in reality, the two ACECs may eliminate the best chance for continuing existing employment of 72 people, continuing payments of $750,000 in assorted taxes per year and continuing purchases of $2,000,000 of goods and services in the County each year. The emphasis on forgoing new jobs and dollars, rather than the potential loss of existing jobs and revenue, contained in the document appears in part to be a result of using old economic data in the EIS. The use of 1987 data resulted in a significant understatement of the economic
E-10 contribution of mining within the county. On page 139, table 3.9, the EIS shows the gross value of mineral production in Fergus County as $500,000 in 1987. In fact, the gross production of metals in Fergus County in 1987 will exceed $20,000,000. We hope the numbers used in the final EIS will be updated to be more current.

J-35 In regards to the Impacts to Economic Conditions section in Chapter 4, we believe that choosing the small mine model as what is foregone by the ACEC designations understates the economic impact of the ACECs to mining. CR Kendall's targets are the larger size mine shown in table C.1. Also given that much of the ACEC designation backing appears to come from those who feel that the ACECs will increase the dollars accruing to the local economy from increased recreational activities, we are surprised that the discussions on pages 213 and 214 are not based on supportable estimates of the economic value gained for recreation by the ACEC designations versus the economic value potentially lost to mining. More detailed analysis of this point should be considered if the changes suggested below are rejected.

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SOUTH MOCCASIN-JUDITH MOUNTAINS SCENIC AREA ACEC

Historic gold mines, with recorded production, exist in numerous widespread locations directly to the north of the drainage divide which defines the boundary of the proposed Lewistown scenic view shed. Recent exploration work conducted by Canyon Resources Corporation, parent company to CR Kendall Corporation, and other mining companies has identified southward extensions of broad structural zones which host previously mined gold deposits and currently contain areas of ore grade gold mineralization within surface rock samples. These strongly gold mineralized areas occur within the proposed Lewistown scenic view shed and indicate a high potential for development of gold mining operations in this area in the future. Canyon's exploration directly within the proposed view shed is preliminary, yet has been quite successful. This suggests that many other undiscovered mineralized areas may exist at or near the surface in the area. Canyon's exploration activities directly to the north of the view shed boundary is much more advanced, including nineteen drill holes completed in 1991. Results to date indicate similar geologic environments and excellent exploration potential within the proposed view shed (See Map 1).

We do not question the fact that the face of Judith Mountains presents an attractive view from Lewistown. We agree that any development which might affect that view should be handled in a sensitive manner. In discussing the South Moccasin-Judith Mountains Scenic Area ACEC with members of BLM, the Board of County Commissioners and the general public, it has become clear to us that intent of the parties is to protect the view from major disturbance of the type that could ruin the scenic benefits offered to those living in Lewistown and those who might come to visit for recreational purposes. The prescriptions set fourth in the preferred alternative go much further.

During our discussions in the area, it was clear that no one wants to see a mine developed that takes the mountain faces away or otherwise leaves a highly noticeable, obnoxious scar in the view shed. When we discussed the possibility of a limited, temporary disturbance that leaves no permanently noticeable, obnoxious scar, we did not sense general opposition. The Board of County Commissioners for Fergus County endorsed the preferred alternative for the South Moccasin-Judith Mountain Scenic ACEC but in doing so stated that they felt it allowed for development. In our discussion with them they expressed some surprise when shown the previous quote that open pit mining would be "effectively prohibited". This leads us to believe that with more specific prescriptions and some recognition J-18 of temporary versus long term impacts, a more flexible management scheme could be developed that would allow limited surface mining to be considered on a case by case basis.

383C

The first prescription refers to the visual contrast rating requirements for VRM Class II areas, using Lewistown as the key observation point. Lewistown is not a single point. Given the terrain of the face of the Judith Mountains, it would make a difference as to which side of Lewistown the point was on, as to what would or would not be visible. More specificity as to the observation point or points proposed and an analysis of the available topography mapping to clearly show what areas are actually visible from those points would be useful.

J-26 The prescriptions are hard to evaluate without examples to judge their application against. Prescriptions numbers 4 and 5 imply some visual intrusion is acceptable. How much is acceptable?

One of the consistent problems encountered in conducting land use planing vis a vis mining is that if a mine is not already in existence or a mine operations plan has not been submitted for permitting purposes, it is difficult construct specific enough information on specific mine impacts on which to base logical, land use trade-off decisions. In order to add some perspective to our comments, we have developed two possible mine scenarios based on exploration activities to date. The examples are meant to be generic but represent what we believe to be realistic scenarios in terms of expected mine size. Neither of the examples are for an underground mine as we do not believe that the expected ore grades will support a well run, environmentally sensitive, economic underground mining operation.

The first example assumes that a pit is started in New Years Gulch on the back side of the ridge line. The pit would encroach on the ridge line with 5 acres of disturbance visible from the eastern most portion of Lewistown, via Limekiln Gulch (see map 3). The pit would not be visible from central or western Lewistown. All of the mine facilities would be located out of view in New Years Gulch. This plan assumes mining 5,000,000 tons of ore, and removing 11,000,000 tons of waste. The mine life would be 5 years with leaching operations running 7 years. The mine would employ 70 people.

In this first example, only a small amount of visible acreage will be disturbed. Mining activities would be occurring on the back side of the ridge. Proper use of existing and planted vegetation would make an effective screen limiting visual impact to only those times when equipment was operating on the ridge top. While the profile of the ridge top would be slightly altered, proper reclamation would assure no long term visual impacts.

The second example envisions a 50 acre pit South Southwest of Burnette Peak, visible from Lewistown (see map 4). All the processing facilities would be hidden from view in Ruby Gulch. The operating plan would call for the waste dump to be built in such a fashion as to completely hide the pit from view. Reclamation of the

383D

waste dump would be done concurrently with mining. It would take approximately two years to finish the waste dump to a point that completely hides the pit from view. The remaining waste would then be deposited out of view in a second dump in Ruby Gulch. This plan assumes mining 5,000,000 tons of ore, and removing 11,000,000 tons of waste. The mine life would be 5 years, with leaching operations running 7 years. The mine would employ 70 people.

This second example assumes a more visible location on the face of the mountain. All support facilities could be hidden by topography. During development and active mining some activities would be visible. Careful mine layout would make use of spoil placement and concurrent reclamation to limit visual impacts. The distance to Lewistown would make camouflaging efforts more effective then if the view point was closer. The amount of visual impacts would be small compared to the size of the view shed. Reclamation efforts could easily be undertaken that would severely limit or eliminate long term visual impacts. Areas of rock outcrops and/or limited vegetation are currently visible across both the Judiths and South Moccasins. In fact, the old mine on the face of the South Moccasins is undistinguishable as a mine unless you know exactly for what you are looking, and this mine was not reclaimed to anywhere near the standards we are talking about for a new operation in the proposed ACEC.

J-19 We believe that enough leeway should be incorporated in the prescriptions to allow either of these examples to be considered on a case by case basis. We believe that management decision should make every allowance for temporary versus permanent disturbance, that the decision should consider the relative amount and visibility of disturbance versus the economic benefits evolved. Without some indication in the decision documentation to this effect, we would have to believe that any visible surface mining, no matter how limited the visibility, would be prohibited. There would be little point in conducting further exploration under these circumstances.

COLLAR GULCH ACEC

Numerous historic gold and silver mines, which accounts for the majority of recorded precious metals production in the Judith Mountains, exist within and directly adjacent to the Collar Gulch drainage basin. This highly mineralized area contains two known broad gold bearing structural zones as well as large area of potential porphyry copper and molybdenum mineralization previously explored by several major mining companies. Although Canyon Resources is not actively exploring the Collar Gulch area at this time, we feel that the developing potential for precious metals deposits is high and we are currently reviewing several mineral properties in the area for future acquisition and evaluation (See Map 2).

383E

While the Collar Gulch ACEC posses less of a conflict with CR Kendall's current property interests than the South Moccasin - Judith Mountain Scenic ACEC, it carries at least as high of a potential to impact future mining potential in the Judith Mountains. It would withdrawal a large core section of the known mineralized trend through the Judiths, spiting the two areas designated by BLM as having high mineral potential. Along with the proposed Scenic ACEC, it would chop up access to the mineralized exploration target areas of the Judith Mountains so as to severely limit the economic potential of the whole range.

While most of the mining prescriptions proposed seem reasonable, the proposed withdrawal from mineral entry and management goal stated for the preferred alternative on page 69, present an inflexible, distinctly anti-mining bias. Existing regulation would appear to allow for the protection of the stream without the ACEC designation. The withdrawal from entry appears to be as strong a measure as would be taken to protect an Federally listed endangered species or the best trout stream in the State, neither of which is the case. Given the historic mining activities in the Judith Mountains and the availability of other potential recreation and habitat areas in the greater Lewistown area, we believe a more flexible approach, possibly considering the potential for off-site mitigation, would be more appropriate.

The proposed prescriptions present a good basis for management with out the proposed withdrawal. We believe a few of the prescriptions could be modified to have less impact on the mining potential while still satisfying the intended management objectives (assuming the objective is not just to ban mining).

M-1 Prescripton 1 on page 84 could be modified in two ways. First, rather than using the simplistic approach of banning any use with potential for hazardous or toxic discharge to Collar Gulch Creek, e more sophisticated approach would be first to require any such activities to be conducted elsewhere if a reasonable alternative is available and, second, require that any activities with any such theoretical potential to be designed to eliminate any reasonable foreseeable potential for discharge. We also believe that the mining proponent should be allowed to propose off-site habitat mitigation to offset any residual risks that can not be adequately dealt with through proper, economically feasible engineering design.

M-23 Prescription 2 on page 84 could use some more specificity. The jump from the discussion of the Tate-Poetter Cave on page 135, where the tentative conclusions from the initial inventory are discussed, to the sweeping prescription that no activity that could physically impact the cave would be allowed, could use a little more explanation.

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ISSUE COMMENT FORM

Judith Valley Phillips
Resource Management Plan

(Please Print) Date _____

Name Ernest A. Olson Address Box 912, Malta, MT 59538 Phone # 654-1925

page 1

I feel the economic analysis is very much our of line. There is no way it could be right. Also when we asked questions at the meetings we were told we didn't know what we were talking about and made to feel like we had no business questioning the figurers. Yet how the figurers were come by could not be explained. A good example of one we can figure out for ourselves is the projected reduction of cattle grazing allotments.

A-29 The plan would have to of been all 12 mo. lessee and in our area they are mostly 6 mo. So the amount of reduction is doubled what is shown economically to our county that is a lot of money. This is only one example and when you are not able to get figurers on how the numbers came from how can you comment on them. Plus I feel this person was very bias in her view and came up with the numbers as how she wanted them to be. An example when land is traded and a piece becomes all private after the trade. The land was not taken out of the projected rec. projections. and I can guranatee that if a person traded and gets all KIND private pieces they will be closes just for the principal of the thing. We want out rights and The private rights are being taken away.

I would be willing to work with you on the following Issue:

383F

M-1 Prescription 9 could be modified to allow for some flexibility for replacement or mitigation on e case specific basis.

M-11 Table 2.1 on page 16 does not list the westslope cutthroat as a Montana species of special interest or concern. Is this an error? This seems inconsistent with the underlying justification of the ACEC. We assume this is an oversight.

SUMMARY

We believe that the designations of South Moccasin-Judith Mountain Scenic ACEC and the Collar Creek ACEC will severely impact our ability to develop minerals in the Judith Mountains. We believe that more flexibility is needed in the management prescriptions to allow for better case by case decisions to be made if and when potentially conflicting development proposals are submitted. In the case of the Scenic ACEC, we believe that limited open pit development should be allowed if the mine-life visibility impacts are not overly intrusive and the long term impacts are negligible. In the case of the Collar Creek ACEC we question the severity of the proposed management decision versus the values to be protected. We believe that with some modification the management prescriptions coupled with a more flexible mitigation approach would offer a more appropriate course of action than the withdrawal proposed.

Thank you for considering these comments. If you have any questions please contact me.

Sincerely,

Robert D. Benbow
Mine Manager

Attachments are available for review in the Lewistown District Office.

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ISSUE COMMENT FORM

Judith Valley Phillips
Resource Management Plan

(Please Print) Date _____

Name Ernest A. Olson Address Malta, Phone # _____

page 2

No ferrets we have never had them I don't know what makes them think they would live here. The only evidents they were ever here had to be planted. We must have Prarie Dog control. They are over running the country and destroying everything in their path.

Z-2 The maps are all wrong and makes us look like we don't exist. Why??

Are we being considered for Wilderness????

A-9 No Condemnation and No Federal Land Expansion. The government owns to much now.

This plan is a violation of our private rights. We will be a prime area for land trusts buyers. We will also probably be targeted by economical and radical groups. You are violat our rights and making out life hell.

Ernest A. Olson

I would be willing to work with you on the following Issue:

385

12-5-91

Jason M Olson — Box 1623 Malta Mt 59538 — 406-654-1621

I feel this whole plan is an injustes to the local people involved. There are no formular in which to figure the economics included. We, the people of the area, feel the smallsus are very wrong. When questions were asked how these figures were arrived at we got no answers. There is no possible way this could have the positive impact projected. An example of one miscalculation is in the reduction of cattle on acquisition of land. The projection is reduction of 3,000 head of cattle. Well in our area most leases are 6 no leases and this figure was arrived at all leases would have to have been 12 mo actually the loss in the county would be double the projection. Most of the economic projections are done on the same basis if land was traded and a plan that is presently hunted because of the public within became all private because of the trade The projection just expanded the area of hunting & enlarged the numbers of recreationalists. There was no reduction considered for closures where there would be private only after the trade. Also after being push with this plan there are going to be more closures of private land anyway and that was not considered. The economic smallsus is a farce.

A-29

Also we want No Farrat's. And we want reduction of Prarie Dogs They are the most erosive thing on any lands. There will be nothing left of the land or grass if they are allowed to spread as they have been.

With no actual definition of wetlands it is a bit hard to talk about management.

Specafy No Net gain of Federal Lands. We don't want to be a Nation owned by the Government. That is why in the past we have been called Amerika and Not Russia.

A-9 Protect Private Landowner Rights it is essential to free America. Also No Condemnation at all in writing.

/s/ Jason Olson

(Typed exactly as received for reproduction in the final EMP/EIS.)

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ISSUE COMMENT FORM

Judith Valley Phillips Resource Management Plan

(Please Print) Date 12-1-91

Name Michelle L. Olson Address Malta Phone #

page 2

We want on Farrets and we want reduction of prarie dogs. They are the most distructive little creaturers around.

We don't want to be the target of outragous groups that will be getting copies of this plan, We DX want all private land taken out of the plan and the projections taken out of the economic picture.

We feel our rights are being violated by this plan and our land being given to everyone. You are making us targets. We don't like it and we want you to know it.

We want no further expansion of Federal holdings. The government can't take care of what it HHHH owns now. The tax base of the economy can't stand it.

No condemnation and no expansion of government holdings. Don't make us targets.

Michelle L Olson

I would be willing to work with you on the following issue:

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ISSUE COMMENT FORM

Judith Valley Phillips Resource Management Plan

(Please Print) Date

Name Michelle L. Olson Address Box 1623 Malta, MT 59538 Phone # 654-1621

Page 1 of 2

I looked at the maps that came with this plan and was really taken back.

Z-2 There are no ranches or schools shown. There are even Hi-ways and main roads not on them. It looks to me like this place is wide open spaces.

I think this was done on purpose so that possibly later on this can be taken to dongrees and made into a Wilderness. Well I can tell you right now we are here and we are going to put up a fight before we become part

Z-2 of a wilderness. Who did the maps and why was everything of taxable value left off? How will the community survive when this is all government when we pay on an average $5.00 per acre plus improvements and the BLLT payments are 10c an/acre and no improvements, Also we pay $8.00 per head per year for cattle run on this land. The economic analyst shows

A-29 a reduction of 3,000 head but that is incorrect because this was figured as all leases as 12 mo. and most of the ones in this are are 6 Mo. so the actual figure is closer to 6,000 head reduction. This is a good example of how incorrect most of the economic projection are. The figurers in this thing are outragious.

I would be willing to work with you on the following issue:

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ISSUE COMMENT FORM

Judith Valley Phillips Resource Management Plan

(Please Print) Date 12-7-91

Name Lillian Olson Address Box 912, Malta, MT 59538 Phone # 654-1623

page 1

I don't like this plan at all. Government expansion will ruin our country. We want all private land taken out of this plan. We don't want to be hassled any more. You are trying to ruin the county tax base and turn us into a wilderness. Who is going to pay taxes, for that matter your wages when we are all gobbled up??????

Leave us alone and let us make a living.

If you can't manage the land as is sell it HHH to the lessee. We want no Condemnation. We want Prarie Dog control and no Ferrets.

Z-2 We want the maps corrected to show the people and roads and schools. We want the economic analysis to show the true picture. Not just her version figured her way, all 12 mo. leases really.

The plan is a mess and can't even really be commented on as it is so

P-1 inaccurate. The coal and bentonite wern't even mentioned.

Don't us people that live here have any rights to privacy, what happens when this goes out to every environmental group in the country. We get bit by radicals.

This land is good for cattle and people arn't HHHHH going to travel on

I would be willing to work with you on the following issue:

387A

ISSUE COMMENT FORM

Judith Valley Phillips
Resource Management Plan

(Please Print) Date _____
Name Lillian Olson Address Malta, Phone # _____

page 2

rec
reads like ours to recreate unless it is to hunt anyway. Certionally no-
one will ever see a ferret even if he thrives,
the money and expenses that this plan costs is unreal and for what?
It looks like a government take ofer.

Lillian Olson

I would be willing to work with you on the following Issue

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10-2-91
Darrell Olson 1w2bk-EOS S Malta Mt 59538 656-2628

As a landowner in the area proposed as acquisition I feel my Rights have been violated. With This plan going out to all radical and economical nuts I will be a target to many without them ever laying eyes on me or the land involved. I feel the government should not be a land owner and further acquisition should be cut off and if the land is not manageable as it is, sell it back to the lease if he wants to buy it.

If our government continues as it presently is will be a government owned country & there will be no private anything and we can change our name as we will no longer be free America.

I also feel The economic analisus was very bias on all accounts. And when we asked questions about how the figures were reached. We were told we wouldn't understand even though we had people with economic Degrees asking questions. I feel we were purposely refused the answers to our questions and that this plan would have quite a different effect on the community & economy than is projected.

H-20 We want no Black Footed Ferret. I feel they never were in our area. The only thing that was found in our area was carefully found after this plan was started. Quite a coincidence don't you think. We would also strongly suggest control of Prairie Dogs. They are causing in measurable damage to the range, erosion & devistation.

A-9 We want No condemnation of any kind in writing. No changing the plan later.

P-1 This plan is a major mistake and puts all of us in the area as a target to many. Also the economics should have to be completely redone as they are very bias. Also Bentonite and Coal weren't considered at all.
No, the private landowners, of the area are very threatened by this plan.

/s/ Darrell D Olson

(Typed exactly as received for reproduction in the final RMP/EIS.)

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DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
JOHN R MADDUX	HC 84 Box 8175 MALTA MT 59538	12/14/91

My CONCERNS ARE WITH THE PRAIRIE DOG & FERRET ISSUES. MUCH OF THE RANGE RESIDENTS OF SOUTH PHILLIPS COUNTY COULD BE LOST LEASES IF/WHEN PRAIRIE DOG CONTROL IS CONSIDERED. WE HAVE A REAL PROBLEM HERE AND FURTHER INTRODUCTION COULD ONLY FURTHER AFFECTION FOR THE WORSE. I STRONGLY OPPOSE FERRET INTRODUCTION AND SUPPORT RANGELAND IMPROVEMENTS AND PRAIRIE DOG CONTROL.

I HAVE ALSO CONCERNS THAT PRAIRIE DOG DATA IS NOT BEING CORRECTLY INTERPRETED. I WOULD LIKE TO SEE WHAT FROM RANGE EXPERTS. ALSO CONSIDERING SHOULD BE THE POSSIBLE DESTRUCTION OF GRASSLANDS BY CATTLE DUE TO PRAIRIE DOGS I WOULD LIKE YOU TO CONSIDER QUESTION THE BIOLOGISTS AS TO THE PERCENTAGE OF THIS KIND

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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DRAFT
Judith Valley Phillips
Resource Management Plan

COMMENT FORM

(Please Print) Name	Address	Date
RAY MALOVICH	Box 518 Malta, MT 59538	December 14, 1991

I am against ferret reintroduction in Phillips County unless you can make certain guarantees to the private landowners. Prairie dog expansion is a major concern. Prairie dogs have not been effectively controlled in recent years. Unless the prairie dogs' numbers are reduced prior to reintroduction, our grazing land will be in great jeopardy of being ruined by prairie dogs.

As tax-paying American citizens, I don't believe we should have to have a livelihood-threatening plan shoved down our throats.

But since it seems we have no choice on this, I feel we should be guaranteed market value compensation should we have to give up our way of life and livelihood because of situations that result from the ferret reintroduction.

The problem isn't that we don't care about the ferret becoming extinct. We just don't want to sacrifice our lives for it. You find a place to reintroduce the ferret that won't threaten already established human beings, and there won't be a problem.

Please return to: BUREAU OF LAND MANAGEMENT
District Manager
P.O. Box 1160
Lewistown, MT 59457

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WETA

Western Environmental Trade Association

208 N. Montana Avenue, Ste. 104 - Helena, Montana 59601
Phone (406) 443-4541
Fax # 443-2439

OFFICERS:
Don Walker, President
U.S. Mist Communication

Franklin Grayfield, 1st Vice President
Big Timber Abstract

Linda Vilsack, 2nd Vice President
Montana Title Holders Estate Association

Jack Bell, 3rd Vice President
KXIC Land AM

Fred Carsen, Jr., Secretary-Treasurer
Fed Security Bank, Helena

EXECUTIVE DIRECTOR:
Peggy Rixon Trenk

December 13, 1991

Gene Miller
District Manager
Lewistown District Office
Bureau of Land Management
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller,

On behalf of the Western Environmental Trade Association, a statewide coalition representing agriculture, labor, mining, timber, motorized recreation, and oil & gas interests, I wish to register the following comments concerning the draft EMP/EIS for the Judith-Valley-Phillips Resource Area.

I should point out that I have received copies of numerous letters generated by the various groups involved in WETA, all expressing concern with the potential this document has to limit multiple use opportunities in this area. In my tenure with the association, I can only relate to one similar experience whereby a document has drawn such broad opposition--that being the draft "Vision for the Future" document proposed by the Greater Yellowstone Coordinating Committee. There are a great number of similarities between the two documents, particularly their potential for restricting the ability of private landowners to manage their own lands, their inclusion of terms that cannot be defined in a scientific manner and thus allow for subjective judgments to be made in future land management decisions, and their failure to adequately address the present and future economies of the local communities in the area. As a result, WETA believes the BLM needs to seriously re-assess the scope and direction of this entire document and the limits of the agency's own authority in this arena.

Because our members have already addressed specific matters of concerne to their particular industry or interest, I want to highlight the three overriding concerns we have with this document:

A-37 1. The amount of private land identified by the BLM for potential acquisition is staggering. While the agency has explained that the process is intended to involve willing parties, the BLM has not addressed potential loss in property values once acreage has been

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identified for acquisition, nor has if offered adequate assurance that if in the future those lands are desired by the agency are not made available by the landowners, other alternatives such as condemnation may be sought. Further, the emphasis on expanding and enhancing wildlife habitat, and particularly the introduction of additional species, will mean that landowners are going to be impacted by management decisions made by the BLM despite the fact that the agency's jurisdiction does not extend to private lands. Other resource industries will be negatively impacted by further restrictions created by this habitat expansion as well.

A-9

J-22 2. The next area of concern is the incorporation of the viewshed concept in the document. How does one define "viewshed" in an objective manner? Very few activities can be conducted without moderately altering the existing character of the landscape. Yet these activities may be critically important to the economy of an area. By emphasizing this concept, the agency is setting up a process whereby development activities are going to be severely restricted or even denied based on the judgment of perhaps a single BLM employee who has little or no objective criteria on which to base such a decision. Unfortunately our experience has been that decisions that rely on such subjectivity do not favor multiple use activities. WETA believes that it is in the best interest of the BLM and the interests we represent to strike such a reference from this document.

E-10 3. Finally, WETA wishes to express great concern for the document's failure to adequately address the economic and social impacts of resource management decisions on local communities. Current mineral production in Fergus County alone exceeds estimates contained in the document by literally millions of dollars. Additional revenue could also be generated by increased oil and gas activity if additional acreage were to become available. Agriculture is the foundation of many of these communities, yet the document fails to provide an accurate picture of the cumulative impacts of the various planning goals on the ability of local ranchers and farmers to operate even at current levels. Wildlife impacts on grazing, adjustments in property values or other restrictions are going to alter the economic landscape and we cannot afford to overlook such considerations.

Again, there are a myriad of other concerns that have been raised by individuals and organizations that will affect their own interests. Based on the level of public opposition to this document, as well as the concerns outlined here, WETA urges that the draft either be withdrawn from further consideration or drastically revised in a manner consistent with the mission of the BLM and the multiple use concept. Like the "Greater Yellowstone

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Vision for the Future", this document appears to move the agency into a realm that raises not only jurisdictional questions, but also highlights the role people who live and work in this area ought to have in determining their future. We believe people are the most important factor in this process and should not be ignored.

Thank you for the opportunity to comment.

Sincerely,

Peggy Rixon Trenk
Executive Director

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December 11, 1991

Bureau of Land Management
Lewistown, Mt.

To All Concerned,

I would like to express my thoughts on the proposals that are stated in the EMP/EIS draft, and my thoughts as to what should have been covered.

Number 1, Land Acquisition

a. The Federal Government should not be in the land ownership area, except for areas already set aside for special purposes such as parks, military reservations, and what wilderness that has already been set aside.

b. These lands should be in private ownership, so that they would generate positive benefits for everybody, instead of costing taxpayers extra expenses. Proceeds from sales could be used to pay on national debt.

c. The land should be offered first to whoever has the grandfather lease on it.

d. It should not be sold to a foreign investor.

e. Lessee should have extended period in order to get his finances in order to purchase these lands.

Number 2, Fire, Big Horn Sheep, and other wildlife habitat

a. Private land owners should not be subject to the wishes of government livestock on their lands.

b. Government should accept total responsibility of these animals, the same as private owners do their livestock.

c. If we don't put some trespass responsibility in game management it will amount to a taxpayer take over of private lands, as the herds migrate from federal lands to private lands.

d. Public in should build and fence federal land, then control wild and domestic livestock to encourage the plant communities and at the same time generate the most net revenue possible on a sustained basis.

Number 3, Endangered species

This would not should be looked at with more caution before they are listed. Too much emphasis has been applied to it at the present time. The problems created by this act have a far more reaching effect than most people realize.

It is nice to protect and try to bring back species of life forms, but this is not always possible.

Economics, and probably not before will being on the human scene on the earth as we should be, the first area of concern.

As the years go, things will change, and we are also enough to control these changes for the good many, for the good of ourselves and our descendants.

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F-11

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rare qualities considering the rarity of mountainous areas with live streams in the planning area. Consequently, the area should also meet the importance criteria and should be considered, it at least one alternative, as an ACEC area.

Please consider this area as an ACEC in the document and carry it forward into the Preferred Alternative. This area would certainly fit the relevance and importance criteria for ACECs and the area should be considered for withdrawal from mineral entry.

T-2 I notice that in the Preferred Alternative only Camp Creek campground is proposed for segregation from mineral entry. Why is the Montana Gulch campground not also carried forward into the Preferred Alternative for this protection? I would like to see this campground also considered for protection from mineral entry.

I-6 Several other areas come to mind that should be considered for special area status and designation. Cottonwood Creek in south Phillips County has live water and a live fish population. Live streams like this on the open prairie are rare and should warrant some special protections, perhaps through the riparian area designations.

I-6 No mention is made in the document of Indian Lake rock. This cultural resource is an important resource from several standpoints. It possesses socio-cultural significance and was once nominated to the National Register of Historic Places. This site should be considered for some special designation and warrant more protection than what is offered through just multiple use management.

I-6 The document does also not mention anything about all the large "ceremonial circles" (medicine wheels) in north Phillips County. The document does not address these cultural sites in any manner. These sites should be considered for at least some heightened designation considering their significance for archeological and potential socio-cultural use. These areas might also be considered for an ACEC designation and be considered for the full range of protection that the planning system can afford.

N-2 Azure Cave, in the Preferred Alternative, is proposed for a 140 acre ACEC designation. I would like to see the 479 acre area carried forward into the Preferred Alternative because the original 140 acre withdrawal does not include all off the cave area. When plotted on a topo quad map the withdrawal area and cave formations do not coincide. Therefore, the larger ACEC designation is essential to protect this important cave resource.

T-6 Finally, I would like to comment on the lack of any alternative that addresses WSAs. Although WSAs are mentioned in Chapter 3, nowhere does the document mention what is to happen to the WSAs after congressional considerations. I can only assume that those areas recommended in the Wilderness EIS would go to wilderness and the areas recommended as not suitable would be returned to multiple use management. I would like to see the WSA areas, both recommended and not recommended areas, considered for some other protective designations in the event that the are are not voted in as wilderness. In at least one alternative these areas should be considered for Rock County, Primitive area or ACEC designations and carried forward into the Preferred Alternative.

I-6

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District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

December 14,1991

Dear Mr. Marl

The following are my comments on the JVP RMP:

Overall, I support the Preferred Alternative. However, I would like to suggest that the District consider some areas that appear to have been overlooked in the document's development.

I-6 Of major concern is the Beaver Creek area in the Little Rocky Mountains. I believe that this drainage should be considered as an ACEC and carried forward into the Preferred Alternative. This is the only live stream left in the Little Rockies. It contains a population of brook trout and live beaver ponds. Beaver should be considered for reintroduction into the area, as well, if they have been trapped out. Although the area has not been developed as a developed recreation area and campground, this should be considered in this document as it is used for recreational purposes. The Beaver Creek drainage in the Little Rockies should be considered as an ACEC and one of the management prescriptions should be the withdrawal of the area from mineral entry. This stream is subject to pioner mining that could destroy the drainage for any future use. With the mining destroying recreational use of nearly all the rest of the Little Rocky Mountains, I would like to see at least one area protected for hard rock mining in the Little Rockies. The only area left that has not been completely affected is the Beaver Creek drainage.

I take exception to the findings in the document that the area does not qualify for ACEC designation found in appendix F. The scope of the nomination should be expanded to include the entire drainage in the Little Rockies. To say the area does not meet the relevance and importance criteria is absurd. It certainly has scenic values worthy of some protection. Mountainous areas in the planning area are few and live streams are even more rare. Thus, their scenery is rare. Be advised that the relevance and importance criteria states that the nominated areas "include" the suggested criteria but nowhere does it say that areas to be nominated must be limited to the specific wording of the criteria mentioned. For example, under "Fish and wildlife resources" the criteria states that the area be considered if it includes endangered, sensitive or threatened species, but the designation need not be limited to these criteria only. I contend that the Beaver Creek area in the Little Rockies is worthy of scenic values worth preserving since live mountain streams are so rare in the planning area. The area does have fish (brook trout) and wildlife resources (beaver) worthy of protection, since this combination is so rare in the planning area. The area does possess natural processes and systems that are endangered by hard rock mine development. Of any area in the planning area that qualifies for ACEC designation, I think this one does.

I also believe that the area meets the importance criteria. The Little Rockies are not just locally significant. The area's campgrounds are visited by people from much more than the local area and if the area was to be developed, it would certainly get more than local use. The area also possesses fragile, sensitive and

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Thank you for the opportunity to comment on the JVP RMP.

William Hubbell
100 Prospect Dr.
Miles City, MT 59301

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Box 306
Saco, MT 59261
Dec. 15, 1991

B. Gene Miller
District Manager
Bureau of Land Management
Lewistown District Office
Box 1160
Lewistown, MT 59457-1160

Dear Mr Miller;

My wife and I are responding to your Draft for the Judith Valley Phillips Resource Management Plan. We debated with each other about responding to the Draft. The question was not about whether we agreeand or not on our conclusions, but whether it would do any good to respond. Government policies have tended to create a sense of futility.

At a time when the United States is encouraging the Soviet Union to disband; and that private ownership of land and businesses will improve their economy and quality of life; our government is proposing to acquire more private land. Seems rather duplicitic to us. Private parties are having a difficult time getting loans and purchasing property, When the government, which runs on a deficit, has no trouble acquiring land. We should be reducing government ownership and putting it into private

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property so that it can improve communities through tax revenues and increased spending. We are solidly against any more government land acquisitions.

There are a couple of other issues we would also like to address. One of the most important is the increase of riparian-wetland areas. (See p.B6) Yes, we agree, its rather nice to have the wetland areas for wildlife, but enough already! We dont agree with the diversion of any established or potential irrigation water for more wetlands. There isn't enough water available as it is right now for farm and ranch use. And the eastern and southern states are demanding more for their use all the time.

Construction of reservoirs or pits may create more riparian areas but we would agree to this only if careful consideration is given to placement. New reservoirs and pits should not be placed in any F-25 areas where they would "steal" drainage water from all ready established reservoirs. If this happens you would end up with shallow pits that will dry up half way through the season. This would not help any of the wildlife nor agricultural users.

The next issue we are against is the establishment of Black-footed ferrets in prairie dog towns. We

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do not agree with the expansion of prairie dog towns merely to provide habitat for ferrets. The potential for erosion in prairie dog towns and the loss of grazing for wildlife and cattle or sheep is enormous and a great waste of the environment.

We had an opportunity to examine the materials presented to the grade school in Malta pertaining to the ferret. We feel that the materials are a blatant propaganda campaign, filled with half-truths, if not out-right lies. We dont think it is appropriate to give that kind of biased information to such a highly impressionable age group. If this is how the Department is gathering support for their proposals, then we are totally against ferret introduction.

The Off-Road vehicle use alternatives proposed in the draft are vague and dont address all of the questions.

As a young farmer/rancher; with 6 months grazing on BLM range; I feel I am the Endangered Species, with serious doubts of my economic survival in accordance with any of your alternatives.

Hugh Brooks
Jardeen K. Brooks

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December 15, 1991

B. Gene Miller,
Bureau of Land Management,
Lewistown District Office,
P. O. Box 1160,
Lewistown, MT 59457-1160

Dear Mr. Miller:

I wish to comment on the Judith Valley Phillips Resource Management Proposals.

First, I approve of the six ACEC's, Namely; Judith-South Moccasin, Collar Gulch, War-Horse-Briggs Coulee, Beaver Butte, Azure Cave, Big Bend of the Milk Rive. I would suggest that there be no Mining activities allowed in these areas and no off-road driveing by four-wheelers and the like.

F-6 Is there any provision being made for possible future Wilderness status for Bitter Creek area?

Ass whole, I believe your plan is a good one. It would be great to have some Wild and Scenic River status for the Judith River but it doesn't sound possible right now.

Thank you for your consideration.

Sincerely
Alecia A. Hlige
349 Fox Drive, # 16
Great Falls, MT 59404

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NORTHERN AG SERVICE
"Professionalism in Agriculture" Motto NOSA

Highway #2 East - Malta, Montana 59538 — P.O. Box 1388

Mike Lang, Owner — (406) 654-2022 MT 1-800-243-4263

December 16, 1991

B. MILLER
DISTRICT MANAGER
BUREAU LAND MANAGEMENT
P. O. BOX 1160
LEWISTOWN, MT 59457

ME: Land Resource Management Plan

Dear Mr. Miller:

I am opposed to this plan on it stands.

1) Economic analysis - I feel you have overstated the positive dollar values and have not weighed the potential loss of dollars through land devaluation and social impacts of the families living in the area.

2) By listing private land "wish list" for acquisition you have invaded people's privacy. The government should not be acquiring land.

3) BLM should quit being a scapegoat for the Fish, Wildlife and Parks.

4) There should be off road vehicle travel for game retrieval and it should be the land permittees discretion and not some government plan that is either too restraining or too vague.

5) Riparian and wetland decisions should be put on hold until we have a federal plan which is definite. Make one ruling and everyone follow it.

Again, I am not impressed with this management plan. The landowner and taxpayer are the ones who will lose. You have lost a lot of my respect for the BLM. The dollars you spent to prepare the plan and the loop holes that were left in the plan would cause private business to be disgraced.

Sincerely,

Mike Lang

Mike Lang,
Owner/Manger

ld/lmo

FERTILIZER LOOMIX AG CHEMICALS EQUIPMENT CUSTOM APPLICATION SOIL SAMPLING

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terms and conditions, which specify that operations can be moved up to 200 meters, should be used for these VRM classes since they provide the BLM with adequate management discretion to sufficiently protect visual quality.

We are also concerned that several of the areas identified as having high potential for development have been placed in a VRM Class II. In view of the fact that there are limited areas identified as being prospective for future development, these areas should be allocated to a less restrictive class of visual quality to allow for maximum development opportunities.

Moreover, the fact that all the EIS alternatives contain the same VRM Classes, it is impossible to discern whether less restrictive visual management schemes would be appropriate in these areas. Therefore, we recommend that the final EIS address a broader range of alternatives regarding visual management objectives.

Another area of intense concern relates to BLM's proposal to expand elk and bighorn sheep habitats. Obviously, an increase in habitats will result in an increase in restrictive stipulations. But an even greater concern is that several areas where BLM has proposed expansions specifically include areas identified as having high potential for future development. Precisely, the areas north of Winifred, around Cat Creek, and along the Judith Mountains identified as having high potential for development have also been singled out for elk and sheep habitat expansion. We are adamantly opposed to habitat expansion in these areas and insist that BLM modify its habitat expansion proposal to eliminate future conflicts between wildlife and oil and gas instead of endeavoring to create new conflicts.

We are also concerned about the stipulations used to protect sage grouse leks and nest areas. BLM indicates that NSO will be used within 1/4 mile of sage grouse leks and roosting areas to provide for maintenance of grouse populations in the area. The need for NSO stipulations should be periodically monitored in these areas to ensure that grouse are still using the stipulated area. If they are not, the stipulation should be dropped from the lease.

We strongly support BLM's decision to reduce the winter range restriction by six weeks. While the BLM has indicated that this timing restriction would not protect winter range during severe winters, this may not be a significant concern. If at some point in time winter conditions are in fact severe, such as deep snow and harsh subnormal temperatures, it is highly unlikely that operators would begin new drilling activities. Moreover, such conditions are unlikely to prevail longer than 60 days, the time frame BLM may restrict activities under the standard terms and conditions of the lease. Consequently, in our view, very few, if any, new impacts from oil and gas activities would occur.

D-13 The map which identifies where lease stipulations will be applied needs to be clarified. This map indicates special stipulations would be required in areas where there is no federal acreage. BLM has clearly stated in the document that the plan only applies to lands under its jurisdiction. Therefore, it is important that the stipulation map be limited to BLM acreage analyzed during the planning process.

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Rocky Mountain Oil & Gas Association

Claire M. Moseley, Manager
Federal Land Planning

1660 Lincoln Street, Suite 404 • Denver, Colorado 80295
Telephone 303/860-0099
FAX 303/860-0310

December 16, 1991

Mr. Gene Miller
Lewistown District Manager
Bureau of Land Management
P. O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

On behalf of the Rocky Mountain Oil and Gas Association (RMOGA), I would like to offer the following comments on the Draft RMP/EIS for the Judith-Valley-Phillips Resource Areas in central Montana. RMOGA is a trade association with hundreds of members who account for more than 90 percent of the oil and gas exploration, development and transportation activities in the Rocky Mountain West. Consequently, we have a strong interest in how the BLM intends to manage its lands with regard to oil and gas resources.

D-2 In general, the BLM has done a good job of presenting important planning and resource information to the public. However, we have several serious concerns regarding oil and gas lease stipulations and their application. We are principally alarmed by the increase in lands subject to special lease stipulations. The BLM has increased the imposition of special stipulations by over 2,000 percent. While it may be that due to regulatory changes BLM does not have the latitude it once had to impose mitigation measures on lessees, we are fearful that the BLM intends to overly restrict oil and gas activities without proper justification. Use of special stipulations must only be used when standard terms and conditions prove to be inadequate to protect the resource.

An example of our concern relates to the use of restrictive stipulations to protect visual resources. Even in areas where management objectives allow moderate to major modification of the existing character of the landscape, BLM has indicated it intends to use the Controlled Surface Use (CSU) stipulation on all Visual Resource Management (VRM) classes except Class I, which would be subject to a No Surface Occupancy (NSO) stipulation. We strongly object to the use of the Controlled Surface Use stipulation in VRM Classes III and IV. Standard lease

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Mr. Gene Miller
Lewistown District Manager
Bureau of Land Management

Page 3

BLM has indicated that many of the lands identified for acquisition have moderate to high potential for oil and gas development. Surprisingly, it is asserted that the only negative impact would be minor additional administrative problems associated with permitting activities. We take issue with this view. The increasing difficulties of conducting oil and gas operations on federal lands are rapidly becoming prohibitive. The administrative problems associated with operating on BLM lands are such that companies are becoming mired in a morass of procedural requirements and/or appeals by opposing interest groups. In other words, the impact of BLM acquisition of high potential lands could be very significant.

The statement on Page 216 that oil and gas leasing and development would have no impact to social well-being is also objectionable. Impacts to social conditions have been described as impacts which would enhance or diminish social well-being for recreationists, ranchers, and the local business community. Page 140 indicates that production from federal leases accounts for an estimated $13.4 million in economic activity, $1.8 million in earnings and approximately 89 jobs. If additional acreage becomes available for oil and gas leasing and 50 new wells are drilled each year, oil and gas activity would have a beneficial impact on the economy and social well-being of residents that cannot be ignored.

We appreciate this opportunity to provide you with our comments. Please contact me if you have any questions or would like to discuss our views in greater detail.

Sincerely,

Claire M. Moseley
Manager, Federal Land Planning

CMM:cw
cc: Robert Lawton, State Director

THE WILDERNESS SOCIETY

December 13, 1991

B. Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

We appreciate the opportunity to comment on the Draft Judith-Valley-Phillips Resource Management Plan Environmental Impact Statement. The preferred alternative does not adequately balance protection and conservation of the area's natural resources --- wildlife, visual, wilderness, sensitive plant and animal communities -- with resource development, particularly oil and gas development. Specifically, we offer the following comments on the preferred alternative.

1. Areas of Critical Environmental Concern.

ACECs are designated to protect outstanding natural features. The preferred alternative, however, inadequately protects the Bureau's resources by leaving many of them open to hardrock and aggregate rock mining, as well as oil and gas leasing. Additionally, many of these sensitive areas are open to unrestricted ORV use and potentially inappropriate grazing use.

K-2 The Acid Shale-Pine Forest, proposed as an ACEC because of its unique vegetative community, is open to hard rock mining. How can such a community be protected and maintained if mineral entry is allowed? All ACECs should be closed to mineral entry and sale.

Additionally, all ACECs should be off limits to oil and gas leasing. Oil and gas leasing threatens the resources of Collar Gulch, Azure Cave, and Big Bend of the Milk River ACECs, which have been designated for the waterfowl they serve. Cave roosts, historic trust, the northernmost bat hibernaculum, and outstanding cultural resources respectively. Lease stipulations are mentioned for the Square Butte, Acid Shale-Pine Forest, and South Moccasin-Judith Mountains. Stipulations are often waived and do not offer sufficient protection of the very values these types of areas contain.

NORTHERN ROCKIES REGIONAL OFFICE
105 W. MAIN STREET, SUITE E, BOZEMAN, MT 59715
(406) 586-1620

2. Wild and Scenic River Corridors.

The Milk and Judith Rivers should be recommended for Wild and Scenic River status. The Big Bend section of the Milk contains many unique and rare archaeological and cultural resources such as petroglyphs, tipi rings, and jump sites. The Musselshell River, Frenchman Creek, and Arrow Creek also qualify for Wild and Scenic River designation and should be recommended for designation.

3. Visual Resource Management.

T-9 No areas have been designated as Class I Visual Resource Management areas. Why? The Little Rockies, Judith River, Highline Prairie and Square Butte should definitely be designated as Class I.

4. Livestock Grazing.

Over 50% of the Resource Areas' allotments need improvement. Yet this issue was not adequately addressed in the DEIS. Supplemental baseline data, a plan for improvement, monitoring and, if necessary, adjustments in AUMs needs to be developed, along with a time line for implementation. The BLM must make riparian/wetland habitat improvement a top priority when assessing its grazing management program.

5. Off-road Vehicles.

C-1 The majority of the land in the three resource areas is left open
C-2 to uncontrolled ORV use...only 3,565 acres are closed with 1,830,454 acres unrestricted. It appears that the entire Valley and Phillips Resource Areas are open to ORVs under the preferred alternative. The BLM contradicts itself by acknowledging the impact of unrestricted ORV use: "ORV use of 1,830,454 acres would harass wildlife and reduce the long-term productivity of wildlife..." (p. 232), yet leaves those acres open in the preferred alternative. We are particularly concerned about the lack of ORV restrictions in sensitive areas and the ACECs, and feel the proposed restrictions are inadequate. ORV use should be permitted only on designated roads and trails throughout the three resource areas.

Additionally, designated ORV routes through the Bitter Creek WSA should be eliminated. Allowing ORV use in the WSA is contrary to the BLM's mandate to protect WSA's until Congress determines wilderness designation (or release).

6. Wildlife

We are concerned that unrestricted OPV and motorized use throughout the JVP area will have adverse impacts on wildlife and wildlife

Square Butte currently has on "off-limits" designation for oil and gas development. Under the preferred alternative these restrictions will be loosened under the guise of a 1/4 mile "No Surface Occupancy" perimeter around the area. The BLM should not be undermining the purpose and already established management of this area. Quite simply, any development should not be allowed within ACECs at all because it is incompatible with the resources that the areas are designated to protect.

We are pleased to see the 93s Complex for black-footed ferret reintroduction recommended as an ACEC. However, it is inappropriate to allow oil and gas leasing and other development activities within the complex. Due to the scope of impacts for oil and gas exploration, development and production, all leasing should be prohibited within the complex. Mining should be closely monitored and eliminated if there is a conflict with ferret reintroduction.

The BLM should recommend the following areas for ACEC designation in its final plan:

I-14 Highline Prairie. Including the Bitter Creek WSA, Highline Prairie is one of the last and largest intact sections of mixed grass prairie left in the nation. Bitter Creek WSA and the contiguous federal land to the Canadian border should be designated an Area of Critical Environmental Concern. Canada's Grasslands National Park lies immediately to the north. This area's only designation of land in Montana would preserve a truly unique ecosystem. To insure the integrity of this area, Highline Prairie should be off-limits to oil and gas development, military maneuvers and off-road vehicles.

I-17 Woody Island Coulee. The rare creeping juniper/little bluestem community type that exists here should be protected. Additionally, the unique location, wilderness character and spectacular topography all warrant protection.

I-17 Joiner Coulee. These prairie pothole wetlands should be protected as an ACEC.

I-15 Little Rocky Mountains. The Little Rockies contain important elk and bighorn sheep habitat as well as unique areas like Azure Cave and Saddle Butte. Additionally, the range contains Native American spiritual sites. Mining activities are systematically destroying the Little Rockies. The BLM should not allow the Zortman and Landusky mines to continually expand and level the range. And, the BLM should withdraw from mineral entry and designate as an ACEC the 25,000 acre proposal supported by the Red Thunder Organization.

habitat. Habitat such as critical winter range and calving areas should be off-limits to ORV use.

The document does not sufficiently address threatened and endangered species. The pallid sturgeon is not addressed, nor are piping plovers and interior least tern wetland protection adequately addressed. Additionally, the 12,346 acres of prairie dog towns with potential for black-footed ferret reintroduction habitat should be off limits to oil and gas development, ORV use and hardrock mining.

S-4 We have additional concerns about the impacts to wildlife of oil and gas leasing and development which will be addressed in our comments on oil and gas leasing.

7. Hardrock Mining.

The agency is proposing to revoke mineral withdrawals at Judith Peak and Red Mountain Radar Sites, the Landusky Town Site, Landusky Recreation Site, Montana Gulch Campground and the Zortman Town Site. This is another example of the BLM's lack of balance between resource protection and resource exploitation. Inadequate as they are, the withdrawals at least offer these historic and recreational sites some measure of protection and contribute a degree of balance to the competing uses of resources in the Little Rockies.

8. Oil and Gas Exploration and Development.

The BLM needs to recognize that oil and gas exploration and development are only one of a number of multiple uses. Lands with other resources and values that are incompatible with oil and gas development should be off-limits to leasing. Under the preferred alternative, only 117,872 acres out of approximately 2 million acres are closed to oil and gas leasing. This figure only serves to emphasize the lack of balance within the agency.

The BLM has discretionary no-lease authority to protect lands with resource values that conflict with oil and gas development. In the draft JVP RMP, the BLM has neglected its own current policy to forego leasing in important wildlife areas. After administrative protests were filed following the Conner v. Burford decision, the BLM agreed to forego leasing in important wildlife areas until new NEPA documents were prepared. No oil and gas leases have been issued since December 1988 in riparian areas, important big game winter ranges, wetlands, threatened and endangered species habitat, and sage grouse and sharptail leks and dancing grounds. None of the alternatives in the draft JVP RMP continue this policy, but rather resort to placing stipulations on leases in order to protect D-4 wildlife values. The JVP RMP should provide an alternative that would continue this policy of no leasing in important wildlife habitat.

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The important wildlife habitat mentioned above -- riparian areas, critical big game winter ranges, wetlands, threatened and endangered species habitat, and sage grouse and sharptail leks and dancing grounds -- are areas where stipulations are an unacceptable substitute for a no-leasing decision. Additionally, stipulations are subject to exceptions, waivers and modifications, and do not provide the iron-clad protection the agency would like the public to believe.

The diversity and abundance of wildlife in the JVP Resource Areas is due to quality habitat. This means large expanses of land showing little human impact. When habitat is broken up by roads, ORV use, and the multiple impacts of oil and gas development, wildlife invariably loses. Over time this fragmentation reduces habitat into small islands which cannot maintain an abundance of species. Development of an oil or gas field involves such things as building drilling pads, additional roads, heavy traffic and possible spills or dumping of hazardous wastes. All of these activities fragment and degrade wildlife habitat. Once habitat is fragmented, animals are more susceptible to poaching, predation, disease and loss of prey base. Oil and gas leasing on the scale allowed by the JVP RMP will lead to a decline in wildlife and would sacrifice irreplaceable habitat for short term, speculative economic interests.

We believe the following areas should be off-limits to oil and gas and mineral leasing:

-- rare, threatened, or endangered species habitat. Species that should be considered include bald eagles, peregrine falcons, piping plovers, interior least terns, ferruginous hawks, and pallid sturgeon. In addition, potential reintroduction areas for black-footed ferrets should be not be open to leasing.

-- prime big game areas including winter range, summer range, migration routes and calving areas.

-- riparian areas, wetlands, streams, reservoirs and potholes.

-- potential and designated Areas of Critical Concern.

-- existing roadless areas and proposed wilderness areas.

-- potential Wild and Scenic River corridors.

-- prime recreation areas.

-- outstanding scenic areas.

-- areas with significant cultural or historical value such as existing or proposed National Historical Sites, Native American sites, and National Natural Landmarks.

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-- sites where soils are documented as unstable and where reclamation cannot be assured.

-- steep slopes (25 percent or greater).

The JVP draft RMP does not adequately analyze the effects of oil and gas leasing and development:

-- The plan does not clearly indicate the level of interest in the area for oil and gas leasing.

D-5 -- The plan does not provide a cumulative effects analysis.

-- The plan does not address adequately reasonable foreseeable development scenarios and the environmental and socio-economic impacts of full field development.

-- Mitigation measures are not adequately addressed.

Again, we appreciate the opportunity to comment on the draft JVP RMP. We are deeply concerned that the preferred alternative leans heavily in favor of resource development, particularly ORV use and mineral and oil and gas development, and does not fairly consider other equally important resource values -- wilderness, wildlife, recreation, historic and cultural values.

Please keep us informed as to the progress of any supplemental documents and the final plan. Thank you.

Sincerely,

Sandy McIntyre
Regional Associate
Northern Rockies

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Bureau of Land Management
Havre town, Mont.
B. Gene Miller.

Dec 14, 1991

Dear Sir,

I would like my land removed from your mgs and table. (RMP/EIS). Legal Desc-
T 32N R 32 E - Sec. 11
Tract 28 - S½ NE¼
SE¼ NW¼ = 19.76 acres

Thank You,
Sincerely,
Mark Lewing

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NATIONAL WILDLIFE FEDERATION

Northern Rockies Natural Resource Center (406) 721-6705
240 N. Higgins, Missoula, Montana 59802

December 16, 1991

Gene Miller, District Manager
Bureau of Land Management
Lewistown District Office
Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

Please consider the following comments on behalf of the National Wildlife Federation concerning the Judith-Valley-Phillips Resource Management Plan (RMP) and Environmental Impact Statement (EIS).

In general, we believe that the RMP/EIS is fairly well organized and shows that the Bureau is seriously trying to address some of the resource issues facing the Judith-Valley-Phillips area. At the same time, we believe that because of perceived political hostility in eastern Montana, the Bureau has not presented a full range of alternatives or examined more aggressive treatment of resource problems. This serious flaw in the RMP/EIS precludes a thorough discussion of potential management directions on public lands and prevents a meaningful analysis by both BLM officials and the public of the tradeoffs and benefits associated with any particular course of action.

In particular, NWF believes that a better analysis of wildlife alternatives would have raised legitimate and serious questions regarding the preferred "middle-of-the-road" management strategy identified in the DEIS. Alternatives that examined substantial expansions in wildlife populations, greater protection of non-commodity resource values and enhanced recreational opportunities would have provided a provocative counterpoint to the preferred alternative's reliance on traditional management.

While the most extreme option would include some incorporation of the ideas associated with the "Big Open" or "Buffalo Commons," including reintroduction of buffalo and large predators coupled with a substantial reduction in livestock numbers, even less polarizing options, such as greater cooperation with the Charles M. Russell Wildlife Refuge and an

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expansion of Missouri Breaks wildlife populations and recreation opportunities, were omitted. While we recognize the sensitivity of such proposals in eastern Montana, an analysis of both the costs and benefits of such options might either help to put such ideas permanently to rest or show that a re-examination by both local and national publics is warranted. BLM showed no leadership in avoiding these hard but stimulating discussions.

Hardrock Mineral Development

The Judith-Valley-Phillips RMP presents, for the first time that BWP is aware of, a reasonably foreseeable development scenario for hardrock minerals in the Resource Areas. BWP is pleased to note the inclusion of this analysis. It is critical for the surface management agency to review and determine where, and under what circumstances, hardrock mineral activities will be allowed during the land use planning process. While we have a number of concerns about the analysis of impacts of hardrock mining, and offer suggestions for areas where management of hardrock mining should be clarified under the preferred alternative, we believe the inclusion of the reasonably foreseeable development scenario and the analysis of hardrock mining impacts in the discussion of alternatives represent a significant step forward in BLM's effort to comply with the supplemental program guidance for hardrock minerals.

BLM supplemental program guidance at 1624.3 for locatable minerals directs the BLM to identify areas that will be open to mining, areas that will be closed to mining, and any terms, conditions or restrictions that will be placed on mineral activities. Further, the guidance identifies data that should be included in the analysis of mineral activities in the land use plan. BLM gives additional guidance on the need for the RMP/EIS to include an analysis of the direct, indirect, actual and potential cumulative impacts of mineral activities as part of the Instruction Memorandum 90-532, "Questions and Answers Concerning Resource Management Planning and Environmental Review Requirements in the Locatable Minerals Program." With this guidance in mind, BWP reviewed the treatment of hardrock minerals in the JVP RMP/EIS and found it lacking in a number of respects.

Y-22 The reasonably foreseeable development scenario explains the type of mining operations that are likely to occur in the Resource Areas and offers some analysis of the size and economic potential of the hypothetical mining operation. However, the analysis of typical mining scenarios does not evaluate the surface impacts of these scenarios. For example, the surface

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mining operations with ten million tons of reserves (open pit #2) is likely to impact more surface acreage and is significantly greater mining waste than the open pit #1 with one million tons of reserves. In order to evaluate the kinds of impacts that are likely to occur under the discussion of development and activity potential, it is critical to know what commitment of surface resources will occur, and for how long, and what irretrievable commitment of resources is likely to occur at the termination of reclamation. This analysis appears nowhere in the RMP/EIS, and should be included for the reader to evaluate the tradeoffs in mineral development versus surface resources protection.

In addition, the appendix includes a reasonable scenario for minerals development in areas with significant mineral resource values, but fails to look at the cumulative impact of minerals development on other resources within these areas. For example, the Zortman and Landusky mines are located in and adjacent to Bighorn sheep habitat (RMP/EIS at 181). If the BLM scenario occurs and ten additional operations or expansions occur in the general vicinity of these mines, how will the bighorn sheep habitat be affected in the short term and the long term? It is our understanding that water quality violations have occurred from the existing operations. What impacts on water quality will occur with the penetration of additional aquifers in this area? These kinds of questions should be answered in the land use planning process.

E-14

Another issue of significant interest to BWF is the BLM's discretion to deny, modify or condition operations that will conflict with other resource values. The land use planning process provides an ideal opportunity to identify areas where mining/surface resource conflicts might exist, and apply conditions and restrictions on mining activities to protect the surface resources.

E-8

BLM is required to prevent undue and unnecessary degradation from mineral activities. The land use plan should outline in detail the steps that will be taken within the Resource Areas to prevent undue or unnecessary degradation. To some extent, the RMP includes indicators of the kind of resource degradation from hardrock mining that could be, and should be, undue and unnecessary. For example, land within the planning area has been assigned visual resource management classifications, based on scenic quality and other factors. BLM has the discretion to condition or restrict a plan of operations in high quality visual resource management classes to prevent undue and unnecessary

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degradation. In this and other circumstances, however, BLM has not exercised its management authority.

BWF is concerned about the limited number of areas in which BLM will exercise any discretion to modify activities or mitigate impacts. It appears that BLM will restrict activities or mitigate impacts of hardrock mining only in two ACECs and in bighorn and elk habitat, although a host of other resource values exist in the Resource Areas that should be protected from adverse impacts of hardrock mining.

Restrictions should be placed on hardrock mining in riparian and wetland areas. BLM has identified a number of riparian habitats within the Resource Areas in Zone 8 or 9 statements that are not meeting the Bureau's objectives of riparian enhancement. It is inconceivable why BLM would allow any mining to occur in riparian areas. Mining should be prohibited from riparian and wetland habitats. If, however, BLM managers feel they do not have the discretion to prohibit mining, at a minimum mining in riparian and wetland areas should be severely restricted to maintain the riparian and wetland values.

Similarly, mining in cultural resource and historic areas, in all ACECs, in Class I and Class II visual resource management classes, and in areas where mining would adversely impact important equifers or other water sources should be severely restricted to prevent undue and unnecessary degradation. In many cases, mining must be restricted or curtailed completely in these areas to protect the site or resources from undue hardrock mining damage. It is unclear how the BLM considered these resource values in Azure Cave, for example, while allowing hardrock mining to occur unrestricted.

N-3

E-19 The land use plan also fails to indicate the uses to which the lands and waters affected by mining will be returned after mining ceases. This is a very important consideration and must be spelled out in the land use plan. The identification of the reclamation objective or post-mining land use is particularly important given the reliance BLM places on this activity to mitigate the adverse impacts on surface resources that will occur with hardrock mining. BLM repeatedly asserts that 'adverse impacts' on wildlife, soils, vegetation and similar resources will occur, but assures the reader that 'the mining sites will be reclaimed' or that BLM will 'mitigate the impacts' to protect the surface resource. (RMP, e.g., pp. 156, 158).

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The land use plan needs to include direction to the land managers requiring that lands and waters adversely impacted by mining be restored to a condition capable of supporting the pre-mining diversity of wildlife and vegetation, and that the visual quality of the area be restored as well. This direction is required in the land use plan to give meaning to BLM's assertion that adverse impacts on surface resources will be mitigated during reclamation. Otherwise, these assertions remain empty.

As a final note on the hardrock mining analysis, BWP read with amusement the discussion of legislative changes in the appendix covering reasonably foreseeable development scenarios. To balance the presentation, you might consider adding some analysis on the potential for positive impacts from legislative changes to the Mining Law to round out your discussion of the impacts of legislative changes on mine profitability. Even the BLM has identified legislative reforms to the 1872 Mining Law that would bring positive impacts to public lands management.

E-20 BLM also notes in this cursory analysis of legislative changes that 'permitting procedures and compliance requirements will be stricter in the future.' Does this statement imply that the 'stricter' requirements will be due to increased environmental protection? There may be a benefit in public land management to increased environmental protection. If so, in the interest of balanced presentation it would be useful to indicate what benefits could occur from this new approach.

Oil and Gas Leasing

D-4 The entire discussion of oil and gas leasing in the JVP area is misrepresented by the failure of the EIS to identify BLM's current leasing practices or their impacts on the availability of oil and gas leases.

Following the Ninth Circuit Court of Appeals' decision in Conner v. Burford, which held the Forest Service's leasing process illegal under NEPA, the National Wildlife Federation filed administrative protests with the BLM asserting that all oil and gas leasing decisions in Montana suffered from the same legal shortcoming identified by the courts in Conner. As a result of these protests, the BLM agreed in 1988 to forego all leasing in important wildlife areas on both Forest Service and BLM lands until new NEPA documents were prepared.

Under this settlement between NWF and the BLM, no oil and gas leases have been issued in wetlands, threatened and

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Gene Miller
December 16, 1991
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endangered species habitats, important big game winter ranges, riparian areas, and sage grouse and sharptail leks and dancing grounds for the last three years. While this moratorium has been in place since December of 1988, MWP has yet to hear a complaint from the oil and gas industry about a lack of leases being issued. The apparent reason for this is that the BLM has been packaging lease tracts where no wildlife conflicts exist.

D-4 The fact that this current policy is nowhere mentioned, much less identified as a practical alternative, completely undercuts the credibility of the EIS. The duty of the BLM to present a reasonable range of alternatives is fundamental under NEPA; conversely, the failure to examine a current policy which provides greater protection to wildlife values than any alternative identified in the EIS renders the document legally unacceptable.

D-17 To the extent the RMP/EIS proposes to rely on stipulations rather than forgo leasing in sensitive areas, it fails to document the effectiveness of the proposed stipulations. Rather than no-surface-occupancy stipulations for winter ranges and strutting and dancing grounds, the RMP/EIS proposes using seasonal restrictions, or in the case of grouse leks, a 1/4 no-surface-occupancy stipulation. No data or citation is provided to justify these minimal protections, even while the EIS concludes that no serious impacts are anticipated. Given that the BLM has never produced any sort of programmatic NEPA document dealing with such issues, the JVP EIS must provide documentation for all its claims. This EIS fails to meet this standard.

ACEC Designation

While MWP supports the designation of Areas of Critical Environmental Concern (ACEC) identified in the RMP, the EIS and Appendix do not adequately explain why other nominated ACECs were rejected. In particular, the Bureau seems to be interpreting designation criteria narrowly, without reference to national priorities or directions.

Y-41 For example, we note that Itchpair Slough and Shed Lake were nominated for protection as ACECs but were dismissed because they did not meet appropriate criteria. The cursory explanation provided in Appendix F does not allow outside evaluation of the BLM's analysis, and efforts to secure this material by MWP through FOIA requests could not be processed within the comment period. At the same time, review of the "relevance and importance" criteria suggests that both areas should qualify.

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Important wetland areas are a vital national resource, and the North American Waterfowl Plan makes protection and enhancement of wetland areas a national priority. The U.S. Fish and Wildlife Service has made a priority of acquiring wetland areas in Montana. Given these facts, the BLM's explanation is simply inadequate.

Similar questions can be raised concerning virtually all of the ACECs nominated but rejected. Given the positive direction provided in the FLPMA for ACEC designation and keen public interest in resource protection, the Bureau's cautious, almost secretive, approach to their nomination cannot be justified.

I-6 Finally, we agree with the comments provided by Defenders of Wildlife insofar as ACEC or Outstanding Natural Area designation along the Missouri River is concerned. As our introductory comments note, the Bureau has not identified any creative alternatives for study and consideration. Clearly, managing the Missouri Breaks in close consort with the 850,000-acre Charles M. Russell National Wildlife Refuge would be strongly supported by many people and would greatly enhance land and wildlife management in this area.

Ecosystem Issues

The comments submitted by Defenders of Wildlife challenge the RMP for failing to provide an adequate explanation of the Bureau's prairie dog management direction. While we agree with concerns expressed by Defenders, we believe they raise larger issues which should be addressed in a programmatic land use plan.

Much of the JVP area has been dramatically altered by management. Livestock grazing, fire suppression, predator control, and other activities have ineatically changed the flora and fauna of much of the area. It would be useful for the BLM to describe likely past ecological condition, the changes that have occurred, and whether such conditions can be restored on any parts of the JVP area.

Q-6 It would also be useful for the BLM to analyze recent changes on private lands. Over the last 25 years, and even more recently, a great deal of native prairie has been put into crop production. Much of this acreage is now being restored to grass covers through the Conservation Reserve Program (CRP), but very little, if any, of the land being enrolled in CRP is being put into native grasses. What are the impacts of these conversions and reconversions on indigenous flora and fauna, and how should

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Q-6 federal land management be adjusted to promote plant and wildlife diversity across eastern Montana?

To cite just one example, thousands of acreages of sage land have been put into either crops or CRP in the past 10 years. The RMP confidently suggests that sage grouse, and by implication other sage-dependent species, are doing well in the JVP area. But anecdotal conversations with biologists familiar with the area raise many questions concerning habitat fragmentation, cumulative impacts and other emerging biological concepts.

In summary, the RMP/EIS presents a workmanlike plan for dealing with resource issues in the JVP area, and we recognize the hard work and thought needed to produce such a document. We also believe that the Plan, if followed, will improve certain habitats and enhance some resources. At the same time, the document misses many opportunities to explore past and future conditions on the northern great plains in a way that illustrates the full resource potential of the area.

With best regards,

Thomas Francis

TFrca

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THE WILDLIFE SOCIETY
MONTANA CHAPTER

6994 Gooch Hill Road
Bozeman, MT 59715

December 11, 1991

Mr. B. Gene Miller
Associate District Manager
Bureau of Land Management
Lewistown District Office
P.O. Box 1160
Lewistown, MT 59457-1160

Dear Mr. Miller:

I am writing to comment on the Draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement (JVP). I represent 203 members of the Montana Chapter of The Wildlife Society, the professional society of wildlife managers, researchers, educators and administrators in Montana. Many of our members are either Certified Wildlife Biologists or Associate Wildlife Biologists. We are affiliated with The Wildlife Society, Inc. of Bethesda, Maryland, a worldwide organization of wildlife biologists. Past President of our Chapter, Fritz Prelwitz, compiled the comments from our membership and assisted with this summary statement.

We appreciate the opportunity to comment on this draft document, and also the amount of time it must have taken your staff to prepare this lengthy environmental impact statement. Our initial reaction to the JVP is that the effort should have been split into two or three documents. The area encompassed by the JVP is too large and diverse for all issues to be covered in great enough detail for either the reader or the local residents to comprehend and to come to a decision as to which alternative best represents ones views. The Missouri River offers a logical dividing line for splitting off the Judith Resource Area, but even the Valley and Phillips Resource Areas are enough dissimilar that separate documents could have been written. The wildlife resources and their habitats also vary considerably across the JVP area, and few people are able to fully understand the issues relating to wildlife that are expressed in your document for such a large and diverse area. Few people are knowledgeable of all wildlife issues in all three Resource Areas.

The Montana Chapter of The Wildlife Society supports Alternative D because it emphasizes resource protection, a concept that is necessary if future generations of Montanans are to enjoy our rich and diverse wildlife heritage. We support Alternative D for the following reasons: 1) The off-road vehicle restrictions would

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provide for the highest quality hunting and wildlife viewing opportunities, reduce harassment of wildlife and provide habitat security. This is most critical for big game animals which are easily displaced by excessive off-road vehicle use. 2) The withdrawal from mineral entry of 5,504 acres in the Little Rocky Mountains would protect crucial bighorn sheep habitat, while other management would allow for the expansion of bighorn sheep populations into unoccupied habitat in the Larb Hills area and the Missouri Breaks Ball Creek area. This would ultimately allow for greater hunting and big game viewing opportunities which would be of economic benefit to the State of Montana, while further dispersing and protecting bighorn sheep populations which occasionally are susceptible to major disease outbreaks. We recommend that no domestic sheep grazing be allowed in areas with bighorn sheep populations. 3) The provision of 600,140 acres of habitat to maintain and/or expand elk in all areas presently supporting elk populations, as well as allowing for new elk populations in unoccupied habitat in the Little Rocky Mountains, the South Moccasin Mountains and in the Missouri Breaks Ball Creek area, would offer the same rewards as previously discussed for bighorn sheep. 4) The protection and enhancement of riparian and wetland habitats, especially as it relates to waterfowl and waterbird production, would be critical for BLM's participation in the North American Waterfowl Management Plan. We support the idea of increasing riparian habitat by 50% on the number of allotments proposed, but question how the 30% will be measured. We also would like to see greater detail in how habitat would be managed and monitored to improve upland nesting conditions for the early nesting mallard and northern pintail, and how emergent cover would be enhanced for the over water nesting canvasback and redhead. 5) The reintroduction of the black-footed ferret, a species native to the JVP area, would be an important part of this alternative, although the degree of protection for prairie dog habitat as offered in Alternative E would also be acceptable. The Montana Chapter of the Wildlife Society is most concerned that the ferret be reintroduced, and is concerned about which of several methods is used. 6) The designation and protection of 479 acres in the Azure Cave and the Little Rocky Mountains would offer the most protection for this bat hibernaculum. Its designation as an Area of Critical Environmental Concern (ACEC) would protect the area from mineral entry. We do not believe that the 140 acres protected in Alternative E would be adequate for a cave system that is still developing and in need of further mapping. Mining in proximity to Azure Cave could impact the natural processes occurring in the cave system, as well as negatively impact hibernating bats. 7) The acreage values for land acquisition, closures for oil and gas leasing, withdrawals from mineral entry, and for size of ACEC designations all point toward the selection of Alternative D. 8) This alternative calls for some poisoning of prairie dog towns, but expansion could also occur. We would support the sport shooting of prairie dogs as a control measure, rather than poisoning, as long as threatened and endangered species are protected.

F-17

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The Montana Chapter of the Wildlife Society does not support many parts of the preferred Alternative (E) for the following reasons: 1) There is a lack of habitat both for big game hunting and big game animals from off-road vehicle use in the northern and central portions of Phillips Resource Area, despite a major portion of southern Valley Resource Area. Big game hunting has experienced serious setbacks (walk-in-hunting casualty in recent years, and the indiscriminate use of off-road vehicles in hunting situations further threatens the future of hunting in Montana. Many sportsmen realize this, and walk-in hunting areas are becoming much more common and accepted across Montana. 2) Less wetland and riparian habitat would be protected in this alternative. Less allotments would be managed or enhanced than in Alternative D. We also again ask how the 30% increase in waterfowl habitat would be measured. 3) Hardrock mining exploration and development would be allowed over a much larger part of the JVP area. Management prescriptions for the various ACECs and concerns do not adequately protect wildlife. Wildlife proof fences required for the armored gravel location ponds for protection of elk and bighorn sheep do not take into account protection for migratory birds. How are these federally protected birds going to be kept away from the solution ponds? The threatened piping plover migrates across the Phillips Resource Area in the vicinity of the Little Rocky Mountains. It nests in gravel habitats in at least two locations in Phillips County, and has been found at one location in Montana with higher elevations than the Little Rocky Mountains. What precautions are being taken to prevent an incidental take of piping plovers at a hardrock mining site? 4) Acreage amounts for all economic uses of public lands in the JVP area are greatly increased in Alternative E. 5) Although this alternative calls for many non-toxic methods of prairie dog control, poisoning remains as an option. The Montana Chapter would prefer that sport shooting be used as the primary control method.

E-15

E-15

The Montana Chapter of The Wildlife Society does not feel that the ACEC nominations were adequately analyzed and considered in this document. The Valley Resource Area, with 1,019,836 acres of land, did not receive any ACEC designations. This hardly seems possible.

I thank you for the opportunity to comment on the draft document, and ask that you consider the Montana chapter of The Wildlife Society's concerns when preparing the final Resource Management Plan and Environmental Impact Statement.

Sincerely,

Keith E. Aune
President

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United States Department of the Interior

BUREAU OF MINES

WESTERN FIELD OPERATIONS CENTER
E297 NO 3RD AVENUE
SPOKANE, WASHINGTON 99202-1412

December 13, 1991
Revised December 16, 1991

Memorandum

To: David L. Mari, District Manager, Lewistown District Office, Bureau of Land Management, Lewistown, Montana

From: Chief, Branch of Engineering and Economic Analysis

Subject: Judith-Valley-Phillips Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS)

The Bureau of Mines reviews many RMP/EIS's for the appropriateness of their assessment and management plan for mineral resources. We found the Judith-Valley-Phillips RMP/EIS to be one of the best, if not the best, BLM document we have reviewed to date. The assessment of the resource situation as the result of proposed management plans was conducted and presented in a very professional manner. Your staff deserves the highest commendation for a job well done. We strongly recommend that this document be distributed to other BLM district offices to be used as an example when scoping for or completing their draft RMP/EIS.

We have only a couple of comments concerning your management plan. On pages 162 and 163 it correctly observes that the preferred alternative will result in negative impacts to mineral resources that could be significant. It is our understanding that BLM does not favor the creation of new split estate lands, yet this document seems to condone this action. The purpose of land acquisition and disposal is to improve the manageability of public land. The creation of split estate by disposing of only the surface merely transfers the burden of management to the minerals staff under a much more difficult situation. In our role to promote the health of the mining industry, we are concerned about the creation of any new split estate. If the disposed lands are prospectively valuable for mineral resources, this property, both surface and mineral estate, should be kept as public land to help facilitate the development of that resource.

A-38

Another Bureau concern at this time is the proposed South Moccasin-Judith Mountains Scenic Area ACEC. As proposed, it will significantly impact mineral resources. You

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have identified that designation of the South Moccasin-Judith Mountains Scenic Area ACEC could result in the loss of two potential open pit mining operations--a significant negative impact. Of the 3.4 million acres of federal mineral estate administered by BLM within the Judith, Valley, and Phillips Resource Areas, only 7,874 acres or 0.239% have high potential for hard-rock mining. This suggests that occurrences of economic hard-rock mineral resources on public land throughout the plan area are very limited and yet, due to their high value, the economic benefits that could result from mineral resource development exceeds that of any other competing land use. Any other resource having such limited occurrence as this, while representing such a significant importance to the public, would be fully protected, and the land parcels containing them would be managed to enhance their value. In our opinion this issue is too important to be addressed cursorily in the RMP/EIS. It warrants a separate EIS with a detailed assessment and individual alternatives.

Thank you for this opportunity to comment. If your resource specialists require technical assistance in these mineral-related problems, we would be willing to assist you to the extent time and our available resources allow.

John R. Norberg

410

Daniel R. Struckman
213 Burlington
Billings, MT 59101
406 256-1588

1/16/92

District Manager
Bureau of Land Management
Lewistown District Office

Ref: draft Judith-Valley-Phillips Resource Management Plan and Environmental Impact Statement (RMP/EIS).

I would like comment on the management of Azure Cave (see pp. viii, xviii, xxiii, 77,166) I did not find any speleological organizations listed as contributing to the draft plan.

Azure cave access ought to be restricted per alternative D to protect bat hibernation. Because of the relatively easy access to the cave site from Fortman I recommend that access be restricted to formal application and then by strict use criteria.Example:

Application to be in writing at least two weeks before planned entrance.

Entrance only between June 15 and August 15.

Minimum size of party to be 4; maximum size 7.

Party must agree, in writing, to observe special cave conservation practices and stipulations, such as packing out human waste, staying out of fragile crawls, staying on trails.

Each member of party must list caving experience and climbing experience. Specifically, all cavers must have experience in rappelling and ascending in other vertical caves.

Cavers must have suitable equipment.

In short, the cave should be accessible to just about anyone who takes the trouble to apply, demonstrate appropriate expertise and knowledge of conservation and have adequate personnel and equipment.

Azure cave offers unique recreational opportunities and I would welcome the opportunity to help develop a method for allowing cave access to qualified cavers.

Sincerely,
Daniel Struckman

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Dear Sir Nov. 13, 1991

I am interested in acquiring the following described land, subject to my agreement with the appraisal value:

T. 12 N., R. 28 E.
Sec. 10 : 400 acres
Sec. 11, W2
Sec. 14, W2 W2

Please consider this in the JVP-RMP.

Sincerely yours,
[illegible]
[illegible]
Box 149

411

Mr. Cy Jamison
Director of BLM
Department of Interior
18th and East Street
NW Room 5660
Washington, D.C. 20240

Pamela S. Williams
P.O. Box 3673
Rapid City, SD 57709

November 27, 1991

Dear Mr. Jamison:

I am writing in regards to the proposed Judith/Valley/ Phillips Resource Management Plan in Central Montana. I do not support the proposed plan which calls for the acquisition of approximately 465,000 acres of private land for elk habitat, prairie dog management and Areas of Critical Management.

As you can see, I am not a resident of that area or state at this time, but I was a resident of Lewistown, Mt from 1981 to 1987. I love Montana and the people and think that it is very important to preserve their heritage, independent spirit and "way of life". I do not believe that this proposed plan and land acquisition is in the best interest of the Central Montana people or the economy of the state.

In the decade of the 90's, I am very disturbed by the trend of America toward more government control of land seemingly acquired under the auspice of "Environmental Preservation". These acquitions often limit mining, cattle grazing and other capitalist, job producing ventures. By limiting or eliminating these ventures, tax revenues are lost thus leaving the schools, counties and towns without money to operate. Rural America is losing population quickly enough without the acquition of more land by the government and loss of people, jobs and tax revenues.

As a taxpayer, I am also concerned about land acquitions by the government. Not only is there a loss of jobs and tax revenue by the government land acquition, but money is required to hire people for the management of the public land as well as for operating expenses. We the taxpayers can only support so much public land! I believe a capitalistic economy and system is best for America with limited amounts of government ownership of land.

I encourage you to reconsider and not adopt the proposed Judith/Valley /Phillips Resource Management Plan.

Sincerely,

Pamela S. Williams

Pamela S. Williams

CC: President George Bush
Sen. Larry Pressler
Sen. Tom Daschle
Rep. Tim Johnson
Mr. Clint Peck
Mr. Larry Descheemaeker

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NOVEMBER 11, 1991

PRESENTATION BY

MONTANA FARM BUREAU FEDERATION

TO

CY JAMISON, DIRECTOR OF BLM

ON

JUDITH - VALLEY - PHILLIPS RESOURCE MANAGEMENT PLAN EIS

413A

MONTANA FARM BUREAU FEDERATION
502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

November 11, 1991

STATEMENT OF ROBERT A. HANSON
DISTRICT III DIRECTOR, MONTANA FARM BUREAU FEDERATION
TO
MR. CY JAMISON, DIRECTOR OF BLM
DEPARTMENT OF INTERIOR

CONCERNING THE JUDITH – VALLEY – PHILLIPS RESOURCE MANAGEMENT PLAN (RMP) AND THE (EIS)

The land acquisition and culture resource of the area has caused a tremendous turmoil between the community and BLM. This land was settled over 100 years ago by people with strong beliefs in private property rights, not by liberal land policies as stated in the EIS. Eighty percent of this land in the area is owned by individual families, to these people selling land is not a way of life. They have spent most of their life trying to build and maintain their land holdings through four or five generations. The idea of their land being slated for acquisition by the government gives them a feeling of betrayal.

This document does not recognize private property rights or ownership to the point it does not have a definition in the glossary of the term. The closest the EIS comes to recognizing private property rights is under land disposal, "transfer land to private use and production".

A-29 The economic condition of the area is dependent on the natural resources, BLM controls and manages a large percentage of those resources. Under all of the proposed alternatives there is a negative economic result on the community. Currently the economic lifeblood of the community is in poor condition, the negative management conditions proposed in the EIS would result in a loss of jobs and tax base of surrounding communities. An incorrect evaluation was made under Alternative E, it would cut 31,116 AUMs which would result in a reduction of about 2500 head of cattle. This is only feasible if you graze 12 months a year. More likely grazing would be for only five months. Based on 5 months grazing this would be a reduction of over 6,000 head. An economic study done by Dr. John Lacey at Montana State University, the value X-13 of a BLM AUM to the community is $74.76, which multiplied by the 31,116 animal units comes out to be $2,326,232.10 in direct loss to the economics of this area.

The wild and scenic along the Judith in attachment G.1 states, "it would not be feasible for the BLM to manage its relatively small section of the river without acquiring private land bordering the river and within a rim-to-rim corridor." Then it continues on by stating values that should be paid per acre from $35 to $450. Early in this document, it states land acquisition would only be done by willing sellers, this section makes one to believe it would be by willing seller. This riparian area along rivers is some of the most productive and has the highest tax base. The ownership of this tax base would not be in the best interest of the community.

FARMERS AND RANCHERS UNITED

413C

MONTANA FARM BUREAU FEDERATION
502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

November 11, 1991

STATEMENT OF THE MONTANA FARM BUREAU FEDERATION
BY DAVID L. MCCLURE, PRESIDENT
TO
MR. CY JAMISON, DIRECTOR OF BLM
DEPARTMENT OF INTERIOR

CONCERNING THE JUDITH-VALLEY-PHILLIPS RESOURCE MANAGEMENT PLAN (RMP) and the (EIS)

Director Jamison, on behalf of Montana Farm Bureau Federation with over 4100 member families, I request that you personally review the RMP-EIS for the Judith – Valley – Phillips District of BLM. We sincerely appreciate your willingness to meet with us and consider the concerns of those directly affected by BLM decisions.

First I would like to state that Montana Farm Bureau members do not oppose the proper multiple-use management of lands administered by the bureau, those lands which, unfortunately, have not been transferred to private ownership. Montana farmers and ranchers have, and will continue to follow good management practices to protect and enhance our natural resources so that we may pass these valued resources on to future generations. We do not believe that the heavy handed ways of the federal government are the best method of ensuring proper management.

Y-42 Second, the fact that the transcripts of the public hearings on the RPM contain only the statements and questions of the concerned public and affected private landowners raises some serious questions. Why were the BLM personnel unwilling to have their comments recorded as part of the proceedings? The absence of official assurances, guarantees, answers, or promises from the record certainly gives the appearance that the public hearings were to pacify local concerned citizens and nullify opposition to the BLM plan while still not providing on-the-record explanation of that plan.

A-11 Specifically, Montana Farm Bureau has several major concerns with the RPM-EIS. We support the concept of private ownership of federal lands, and agree that isolated, unmanageable tracts should be transferred to the private sector. However, we oppose the identifying of huge areas of private property for acquisition by the federal bureaucracy. These actions disrupt proper management and discourage improvements. Land values are affected and to some extent, damage has already been done by the draft plan. It is a frightening experience to learn that your property is coveted by a federal agency. In many cases this is property that has been in family ownership for several generations.

A-9 The threat of condemnation cannot be denied once a federal agency targets private property. Land use planning on private property, classification of private lands and targeting of those for acquisition appear to be improper use of funds and personnel.

FARMERS AND RANCHERS UNITED

413B

Y-1 According to the document pre discussion 95% of the people were satisfied with the
A-11 status quo of things as they currently exist. Why was this document written with all the land acquisition and alternative planning to the high degree that exists in the EIS. Was it written for the 7% that did not agree with the rest of the community?

Farm Bureau believes in private property rights and multiple use of public lands. For the good of the communities and the BLM within the JVP area a revision of this document is needed to mend fences and establish acceptable management of those resources.

413D

We believe that land use planning can best be accomplished at the county or comparable level of government and by private landowners. We oppose federal legislation and agency policy which would impose land use regulations. The entire plan and the process is a threat to local control and the traditions and values of our area. While we are constantly being told that agricultural practices and land use activities will continue, our concern mainly relates to the adage "trust me, I am from the federal government". We have seen too often that the implementation of laws are not always enforced as they are intended. The taking and regulation of wetlands across the country by federal officials provide a very good but unfortunate example of what little comprehension the federal bureaucracy has in regard to local agricultural practices. A good local manager one day does not guarantee similar management decades the next day.

The economic impact of the RMP-EIS for the affected communities is definitely negative. Additional adverse economic pressures will result from less cattle numbers and resulting slowdown for local businesses as well as for tax supported local services. Economic analysis in the study is suspect in several areas. One example is the assumption that BLM grazing land disposed of would produce more local revenue as cropland and still be subject to SCS conservation requirements. The subsequent provisions of the Farm Bill would preclude this from happening, however that doesn't appear to deter the planners from their conclusions. The plan could stifle economic activity in the mining and lumber industries—this should be thoroughly investigated.

The Montana Farm Bureau supports the concept that the federal government should manage its lands so that no harm is done to adjoining lands, crops and animals. The plan for elk habitat and forest introduction presents a real threat to that concept. We believe the federal bureaucracy should have, as part of any plan, an arrangement to compensate private landowners for any adverse effects—economic or otherwise. We ask that all private property regulations and planning be removed from the RMP-EIS.

Following is an outline of individual concerns by those directly affected by the BLM plan.

413E

ACQUISITION AND DISPOSAL

1. Labelling private property for acquisition by the BLM is an invasion of private property rights.

A-1 2. What right does a few individuals in the BLM office have to target private land for acquisition.

3. The BLM should not be competing with the private interests for land. There is enough competition without the federal government bidding for land.

A-15 4. If the BLM does compete for land will they use only the appraised price for their bid or will they continue to bid above that price if a competitor does.

5. We are in favor of the disposal of isolated tracts that the BLM cannot properly manage. These tracts should be offered to adjoining private landowners for purchase at a fair market price. Moneys received from sale of these lands should be used to improve other BLM lands.

6. Some of the land targeted for acquisition is the river bottom land of ranches. This land is generally the majority of the hay base for an operation without which the ranch may not be a complete operation unit. Examples are on the Judith River and Arrow Creek.

7. Once our private land has been targeted for acquisition the BLM will continue to track it. This means that if views in Washington change, then the BLM is ready to acquire more private land.

8. The BLM office indicated that they wish to acquire land over federal minerals to get the surface and minerals together again. The release or sale of the mineral rights would be a better solution.

9. By targeting private land for acquisition, the BLM has caused economic damage to the owner of the land by reducing the possible buyers of his ranch due to the cloud of the BLM taking part of it.

10. This JVP management plan has caused many hard-feelings toward the BLM and its employees. It has also cost the ranchers and others a lot of money and time to fight it.

11. The BLM is not consistent in its plan. The letters received by private landowners identify more land than the map in the draft shows. This happened in the South Mocassin Mountains.

12. The economics shown in the draft concerning the monetary effects from loss of grazing are incorrect.

413F

ACCESS TO BLM LANDS

1. Any land that the BLM does not have current legal access to should be be disposed of.

2. Unlimited access damages the land and resources.

3. Private land adjacent to access routes is abused and requires additional burdens of the private landowners. The spread of weeds, littering, open gates, shooting from the roads, and the possibility of additional regulations by the BLM on those adjacent private lands are some of the possible problems.

4. The BLM should be required to abide by the Montana State weed control laws.

5. Many of the areas that the BLM has identified for legal access have currently had access provided by private landowners. The landowner can regulate access to fit various conditions much better than can people sitting in an office. Some of these conditions are fire danger, too many hunters, erosion of roads when muddy, and many other conditions which change from time to time.

OFF ROAD VEHICLES

Support Alternative A.

OIL AND GAS LEASING

HARDROCK MINING

1. When the BLM imposes more regulations on federal minerals it has a negative impact on adjacent owners of mineral rights. This is not addressed in the EIS.

RIPARIAN & WETLAND MANAGEMENT OF WATERSHED

F-20 1. Noxious weeds are not currently controlled on the riparian areas the BLM controls. The Missouri River is a good example.

2. There are presently 4 agencies trying to control wetlands, the BLM does not have to make separate rules too.

413G

ELK AND BIGHORN SHEEP HABITAT MANAGEMENT

1. Some of the areas that have been identified for elk habitat don't have a source of water except on the adjacent private land. There is not any winter range in some of the proposed elk habitat areas. The BLM is, by identifying dry summer range providing the Fish, Wildlife and Parks an excuse to run more elk on private lands.

G-14 2. There isn't any impacts shown to livestock grazing management due to the elk management plan. This needs to be addressed. If additional elk habitat is provided, livestock grazing on both the BLM land and adjacent land will have negative impact.

3. The BLM doesn't provide for fixing the fence damage caused by the elk moving from BLM land to private land.

4. The elk plan is interesting in that the State owns the elk, so the BLM says the State needs to be contacted for elk problems. However, by providing habitat for elk expansion the BLM is also causing the problems but will not be responsible for them.

ACECS

SOUTH MOCCASIN – JUDITH MOUNTAINS SCENIC AREA

I-11 1. The map of the ACEC of the South Moccasin Mountains in the BLM office shows an area that covers many acres of private land, both surface and mineral. Even though this is not shown in the draft, it shows an indication of what the BLM would like to have. This is an invasion of private property rights. The individuals in the Lewistown office or any where else have no right to identify private land for ACEC.

J-1 2. The idea that the BLM can identify the small part of the South Moccasin that is BLM owned as an ACEC and expect to control the rest of the privately owned land is absurd. The BLM only owns 1290 acres of surface in the South Moccasin Mountains. The majority is privately owned and not a single land owner in the mountain has any desire to sell or trade the BLM for any of the private lands. The scenic quality that Lewistown enjoys is the result of the private landowners much more than that of the BLM.

3. Adding additional restrictions on the mineral activity in both mountains above those required by the State are not necessary. These restrictions effect both the mining industry and the adjacent owners of mineral rights. The economics of this is addressed properly in the draft. The figures for

J-32 mining are not current, probably since it would show a larger negative impact.

413H

OTHER PROBLEMS WITH DRAFT

1. Economics of draft: It shows increased agriculture income due to raising crops on disposed acres. This is possible only by subbusting which removes the landowner from the ASCS programs. This would not be feasible in most cases.

2. The BLM also talked of planting lure crops for the elk, this is also subbusting by ASCS standards.

3. Even though the draft is not in place, the Lewistown office is using it to operate by. An example is that an offer to purchase BLM land previously offered for disposal under the old BLM management plan was not even considered due to the new draft.

4. BLM should be required to abide by the Montana weed laws.

5. The BLM should not be planning on private lands.

J-8 The following land owners would like to see the South Moccasin Mountain range delisted as an ACEC from JVP RMP.

Robert Phillips
Wicks Ranch Corp.
Joe, Joey, Jon & Jim Wicks
Phillips Bar Diamond Ranch, Inc., Wes Phillips, Pres.
Phillips Cattle Co., James E. Phillips, Pres.
Don Jenni
Clark Brevig
Lawrence Jenni
Don Stilson
Tom Butcher
Dave McClure
Joe C. Wicks
Edward Majerus
John T. Sramek
Eldon W. Foster
Sam Phillips & Sons Partnership
Sam, Kim, Todd & Mike Phillips
Gary Jenni
Floyd Jenni
Spring Creek Colony, Paul Walters, Pres.

413I

APPENDEX A

NOVEMBER 11, 1991 STATEMENT BY

MONTANA FARM BUREAU PRESIDENT

TO

MR. CY JAMISON, DIRECTOR OF BLM

DEPARTMENT OF INTERIOR

DOCUMENTS CONTAINED:

1) Statement by Jeanl fauslly
2) Statement by Ivan Kercher, K-M Livestock Co.
3) Statement by Jerry Hanley
4) Statement by Jean K. McCormick
5) Statement by CR Kendall
6) Statement by Peter Kurlson,Chief Geologist, CR Kendall
7) Statement by Representative Larry H. Grinde
8) Statement by Representative Dick Knox
9) Photocopies of newspaper articles

Attachments are available for review in the Lewistown District Office.

413K

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE LARRY GRINDE
MINORITY WHIP
HOUSE DISTRICT 39

HOME ADDRESS:
BOX 1
WINIFRED, MONTANA 59489
PHONE (406) 539-2573

APPROPRIATIONS

HELENA ADDRESS:
CAPITOL STATION
HELENA, MONTANA 59620-1706

BLM Officials

According to Public Law 94–579 the BLM has the authority to study land management and to make recommendations for use of such land. They may also recommend that the existing BLM land use continue as it currently is. (admitted in testimony)

Most of the recommendations they have made are already available to them. Land exchange, condemnation, control of oil, gas and timber harvests and the amount of AUM's on grazing areas to name just a few.

Y-1 Y-2 Then why has such an extensive plan been written when these areas are already under the discretion of the BLM. Even more disturbing is the fact that nobody has complained or asked for changes in the existing plan.

P.L. 94–579, sec. 102 (a) #7 states management be on the basis of multiple use and sustained yield. Yet this plan removes areas that are clearly being used for multiple use and sustained yields.

P.L. 94–579, sec. 102 (a) # 12 states lands be managed in a manner which recognizes the NATIONS need for domestic sources of minerals, food, timber and fiber from the public lands. Yet under this plan there will be a loss of AUMs and some lands will be taken out of use for mining, oil and gas exploration and for timber harvest.

P.L. 94–579, sec. 102 (a) # 13 states the federal government should, on a basis equitable to both the federal and local taxpayer, provide for payments to compensate state and local governments for burdens created as a result of immunity of federal lands from state and local taxation. (PILT Payments). At the hearings I asked repeatedly if there would be an economic impact to our area? The answer was yes, but they were unable to

X-7 state how much impact. The plan itself states there will be a loss of AUMs. Where are the PILT payments mentioned?

In the hearings the BLM has stated that they have worked hand in hand with state

413J

CR KENDALL
P.O. Box 789
Hilger, MT 59451
Phone (406) 538-5581 *Fax (406) 538-5854*

December 18, 1990

Chuck Otto
Judith Resource Area
P.O. Box 1160
Lewistown, Montana 59457

Dear Mr. Otto:

I am writing to you concerning the future Judith Valley Phillips Resource Management Plan currently being formulated. In regards to restricting non-realizable development within the Lewistown Viewshed, I would like to bring to your attention the numerous mineral occurrences which exist within this proposed area (see attached maps). All of these areas have potential for future economic mining operations. With continued exploration, many other occurrences may be discovered. If surface disturbance is severely restricted as proposed, future exploration activities, and ultimately mine development and economic growth of the region, would come to a standstill. In addition, such a precedent could snowball throughout the Western U.S. into a totally unworkable environment for the mining industry. I believe currently existing reclamation regulations are sufficient to protect public lands from excessive degradation. I would ask that you seriously reconsider the inclusion of the Lewistown Viewshed ACEC in the Judith Valley Resource Management Plan.

Sincerely,

Peter Kuriseo

Peter Kuriseo
Chief Geologist
CR Kendall

413L

government on developing this plan. After checking with the Governor and the Fish, Wildlife and Parks, there has been one meeting. I further asked if the additional lands for wildlife would be managed with the adjacent private land owner in mind. Their comment was that the wildlife was the states responsibility. To me this is very irresponsible! The BLM provides the habitat but does not take the responsibility for wildlife that will feed on private property. This created poor relationships between the state and the private landowner.

A-9 It has been stated in the hearings that there will be no condemnation under this proposal. Yet, when I ask them to write it into the plan they refuse. If there is to be no condemnation why are they so scared to put it in writing?

H-1 I have asked repeatedly that the ferret be listed as "experimental non–essential" as opposed to "endangered species". The ferret is not endangered, yet the BLM has refused to address this in writing.

J-2 The scenic view is the area that horrifies many of us. There are not distinct guidelines as to what is included in the view area. Who determines this? Moreover, this sets a precedent in the state that has the potential of closing down lands that should be multiple use.

I have attended every meeting in the Lewistown area and have been in contact with a representative from Phillips county who has attended the meetings there. It amazes me that not one person has been in favor of this plan! Yet the BLM insists on pursuing this.

Y-33 Who does the BLM represent? Do they represent the taxpayer who is affected by this plan or do they represent a handful of people who think they know what is best for us?

414

CURTICE HOOLEY
Commissioner

ARTHUR FLATHUN
Commissioner

KEITH KINNEY
Commissioner

LESLEY DOWNES
Clerk and Recorder

SHIRLEY ERNST
Treasurer

SHELLEY MOTTER
Assessor

R.G. BRENNAN
Justice of Peace

LEONARD H. LANDEN
District Judge

KATHERINE JOHNSON
District Court Deputy #1

DONALD E. GUNSTROM
County Attorney

JOHN R. HATCHER JR.
Deputy County Attorney

CAROL L. ELLIOT
Superintendent of Schools

MARSHALL EDWARDS
Coroner

E.W. MC GUIRE
Justice of Peace

BLAINE COUNTY

Chinook, Montana 59523

February 11, 1992

TO: Dave Mari
B.L.M. District Office
Lewistown, MT 59457

FROM: Blaine County Commissioners
Box 278
Chinook, MT 59523

RE: Comments on draft RMP/E is for the Judith-Valley Phillips Resource Areas

1. The BLM feels that 68,089 acres of their exchange land is suitable for cropland. The effect this may have on A.S.C.S. programs and current rules against subsoiling needs to be explored.

2. The loss of approximately $172,000 in property taxes is unacceptable to county government, even if counties continue to receive PILT payments, the net loss would approach $125,000.

3. The oil and gas industry is one of very few left in Montana and should be encouraged rather than discouraged. This is not accomplished with the lease stipulations and changes to 43 CFR 3101 Regulations that this R.M.P. would put in place.

4. Once again the mining industry is one of the few remaining in our state. This R.M.P. would remove 5,703 acres from mineral entry for mining claims and impose more management prescriptions (Regulations). While there are known coal deposits, it is not addressed and should be.

We ask that the BLM take these comments into consideration before the final draft on this R.M.P.

Sincerely,

Curtice C. Hooley
Chairman, Blaine County Commissioners

Arthur Flathun
Commissioner

Keith L. Kinney
Commissioner

415

Valley County

501 Court Square
Glasgow, Montana 59230

Phone: (406) 228-8221
FAX: (406) 228-4027

February 18, 1992

David L. Mari, District Manager
Bureau of Land Management
Lewistown District Office
Airport Road
Lewistown, MT 59457-1160

RE: JUDITH VALLEY PHILLIPS/Resource Management Plan
Environmental Impact Statement
DRAFT/July 1991

Dear Mr. Mari:

This letter is being written on behalf of the concerned citizens who live in Valley County.

Each time one of the Federal agencies issue a new EIS such as the subject document, it goes through the "Review" and "Comment" process. But, in the end, it becomes the "gospel" by which we all must live. Federal and State Agency Regulations require co-operation with local governments. Therefore, when a Federal or State agency puts together a plan that affects a County's economic well-being and impacts private property rights, it is not following the law and, in fact, it is in direct violation of the law.

In the EIS Plan, the traditional multiple use policies are targeted for extinction under the present agends before the governmental agencies, i.e., Bureau of Land Management, the National Park Service, Forest Service and the Fish and Wildlife Service.

Our local government and the people in Valley County do not have the resources available to compete with the "tax free" and/or "non-profit" groups who have directed to change our economic activity and our culture.

The Judith Valley Phillips Resource Management Plan/Environmental Impact Statement clearly shows throughout it five alternatives under each separate heading that the Bureau of Land Management has the plan set in motion to expand its acreage management on public lands and into the management of private land. These listed alternatives are unacceptable in all ways when they relate to any kind of expansion. Some Valley County concerns are:

414A

Page two

5. BLM would maintain and/or improve riparian-wetland areas in 348 allotments with 595 stream miles and 3,830 water sources to increase animal units, apparently for big horn sheep and elk, to mention is made of increased animal units for livestock even though management costs for affected ranches could increase considerably.

6. BLM would provide 12,346 acres of prairie dog towns in the Phillips Resource Area for black-footed ferret reintroduction with a designation of critical environmental concern, along with 871 acres of prairie dog towns in the Valley and Judith Resource Area. All this with no surface occupancy restrictions, this could have a very negative effect on surrounding range land, oil and gas development and mining not to mention the effect that the reintroduction of black-footed ferrets have on private lands in the adjacent area.

415A

LAND ACQUISITION & DISPOSAL

- Remove acquisition acreage from plan. No reason to include these acres in plan.

- No reduction in AUM's; in fact there should be a projected increase in AUM's due to more moisture and better land conditions and management.

- Propose possible disposal of acreage that does not have public access to private landowners adjacent to it.

BUFFER ZONE

- There should not be additional acres (Buffer Zone) added to the CRR. These acres would no doubt eventually be included as part of the CRR through the U.S. Fish and Wildlife Service.

LIVESTOCK GRAZING MANAGEMENT

- Oppose all AUM's reduction.

OFF-ROAD VEHICLES

- Leave at current levels and allow for game retrieval of 428,770 restricted acres and closed 1,947 acres.

GAS AND OIL LEASING

- Acreage with standard stipulations should be left as such instead of adding special stipulations. No surface Occupancy and Closed/No Lease should be decreased not increased in acreage numbers. Encourage leasing not discourage it.

HARD ROCK MINING

- Request that coal and bentonite mining need to be addressed.

- Request explanation of why acreage is being removed from staking of mining claims.

RIPARIAN AND WETLAND MANAGEMENT

- Should be at no cost to private landowners; should only increase livestock AUM's and should help to enhance multiple use.

415B

ELK AND BIG HORN SHEEP

- Increase in elk and sheep should not decrease livestock AUM's; in fact, we want an increase in livestock numbers and no increase in wildlife.

ENDANGERED SPECIES

- No introduction of endangered species.

ACEC'S

- Removal of all of these from documents; if allowed to stay they could possibly be acted on like wilderness study area.

WILDERNESS AREA

- Remove all from wrea plan.

VISUAL RESOURCE MANAGEMENT

- Remove from document because this will put restrictions on acreage. Remove all VRM Classifications and not just the map.

We want to express once again our concern for economic impact on Valley County and state that once an EIS is in place, it is very hard to change. Also, we are continuing to review the EIS. We might sum up by saying that our County needs a "no net loss" of individual property rights and "regulatory overkill" for our economic survival when new management plans are being drafted.

Sincerely yours,

Valley County Commissioners

Arthur Arnold
Chairman

416A

10. Concerns Over Access, Oil & Gas, Coal, Bentonite, Water, A.U.M., Elk, Bighorn, Sheep Habitat

11. Hunting and Control of Big Game

Thank you for considering these concerns.

Sincerely,

Board of Chouteau County Commissioners
John E. Witt, Chairman

416

OFFICE OF
BOARD OF COUNTY COMMISSIONERS
CHOUTEAU COUNTY, MONTANA
P.O. BOX 459 - FORT BENTON, MT 59442
(406)622-3621

COMMISSIONERS:
John W.E. Christian
Clayton Glenwinkel
Kenneth R. Engelhart

CLERK:
Julie I. Johnson
REGULAR MEETINGS:
Every Monday,
First & Third Tuesdays

February 11, 1992

U. S. Department of Interior
Bureau of Land Management
Lewistown District Office
P. O. Box 1160
Lewistown, MT 59457-1160

Dear Sirs:

Following is a brief list of concerns of Chouteau County. These concerns, although addressed in the RMP/EIS, are not addressed in enough depth to satisfy us.

1. Maintain or Improve Tax Base

   a. Economic Impact; Loss of Personal Tax Base
   b. Loss of Real Property Tax Base
   c. The Unknowns of PILT Payments
   d. Loss of Dollars to Maintain Schools

2. The Loss of Farmers and Ranchers to the Main Streets of Small Town, Montana, and Implement Dealers

3. Focus on Both Ag and Recreation On Equal Basis (Leans to heavily toward recreation.)

4. No Condemnation

5. The Use of Private Appraisal for All Transactions (There is less chance of eliminating the private sector.)

6. BLM Law Enforcement (A bureaucratic waste of money, showing of dominance which farmers and ranchers resent.)

7. No Mention of Buffalo (We don't believe ranchers would ever want the buffalo introduced into the area because of brucellosis.)

8. No More Wilderness

9. Fencing and Upkeep (An example is the condition around Tiber Dam.)

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COUNTY 02-18-92 11:23Hr 4062655487→ 14065623631 # 1

COUNTY OF HILL
STATE OF MONTANA
Havre, Montana 59501

Nora Nelson, Chairman
Kathy Bessette, Commissioner
Lloyd Wolery, Commissioner
(406)265-5481 Ext. 27

February 18, 1992

Bureau of Land Management

We, the Hill County Commissioners, request to be notified of and given the opportunity to participate in, all land use or other planning efforts undertaken by the BLM within the borders of this county or any surrounding counties. We wish to voice our opinions pertaining to all federal activities that may affect the citizens or the tax base of this county.

We feel it is in the best interest of the taxpayers of Hill County to be made aware of any Environmental Impact Statements or Resource Management Plans in the making. It is very important to maintain the economic structure of Hill County and we feel our input into activities of this nature are vital to the well being of our county.

Sincerely,

Nora Nelson, Chairman

Kathy Bessette, Commissioner

Lloyd Wolery, Commissioner

cc: Havre Resources Area

418

ROBERT E. COFFEY
County Manager
Treasurer
Assessor
Phone 429-5551

LOIS FOULTON
Justice of the Peace
Phone 429-5311

COUNTY OF PETROLEUM

P. O. Box 226
WINNETT, MONTANA 59087

BRENDAN J. MURPHY, Chairman
PATRICIA WENNGART, COMMISSIONER
WILLIAM G. WULF, COMMISSIONER

DONNY L. ALLEN
Clerk and Recorder
Clerk of Court
Phone 429-5311

ROBERT BUSHMAKIN
Sheriff
Ex-Officio
D.E.S. Coordinator
Phone 429-5551

February 24, 1992

Dave Hart
BLM District Office
Lewistown, Montana 59457

Re: JVP RMP/EIS

Dear Mr. Hart:

The Petroleum County Commissioners wish to express their thanks and appreciation to BLM and Chuck Otte for the presentation of proposed changes to the Judith-Valley-Phillips RMP/EIS. The presentation was very well done.

It is very crucial that the economic structure of Petroleum County is maintained and not affected by the activities and impacts of BLMs and RMPs. If this structure and well-being of the county is not affected, then the proposed changes you have demonstrated are satisfactory.

We, as a Board, request a statement from BLM that the management of elk habitat will not reduce livestock AUMs. We would also appreciate copies of any and all changes implemented into the JudityValleyPhillips RMP/EIS.

Thank you for your cooperation in this matter.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS

Donny L. Allen, Clerk

419

FERGUS COUNTY

STATE OF MONTANA

Lewistown, Montana 59457

Following are our comments on JVP RMP/EIS from the Fergus County Commissioners compiled from comments of citizens at local public meetings.

Land Acquisition and Disposal

1. Remove all reference to private lands targeted for acquisition, including maps.
2. No net gain of land within one plan year during the life of the plan. "No net gain" would include land willed or donated to BLM.
3. Lands will not be condemned for acquisition purposes.

Access

1. Include in an appendix a list of guidance documents that drive access decisions.

Off-Road Vehicles

1. Concur with revised statement allowing for game retrieval and for administering lease on lands.
2. Consider and re-evaluate reasons for seasonal closures-Closures are now being recommended during periods of most requested usage, (fall) when least range damage would occur.

Oil and Gas

1. Identify (by parallel display, for example) differences between old and new wording for clarification.

Hardrock Mining

1. Do not include Collar Gulch in ACEC
2. Prefer Alternative A:

Riparian and Wetlands

419A

1. Provide information and criteria for electing riparian area or wetlands, including a current range inventory.

Elk & Big Horn Sheep

1. Quantify the habitat, determine how much it will support, and manage wildlife numbers consistent with habitat.
2. Clarify in plan which management plan from FWP is being used.
3. Determine economic value of return from agriculture vs. wildlife.

Ferret

1. BLM need to declare any area to be Ferret-free before reintroduction.
2. No condemnation of land will occur for purposes of reintroduction.
3. Any reintroduction of endangered species or experimental nonessential species will not preclude other multiple use, exploration and/or development.

Visual Resource Management

1. Do not identify private lands in VRM's, and adjust maps accordingly.

South Moccasin-Judith Mountain Scenic Area

None of the alternatives are appropriate.

A new alternative should include:

1. Removal of South Moccasin Mountain from scenic area designation.
2. Surface disturbing activities would be allowed with satisfactory plans for mitigating visual impacts when a permit application is made to BLM. This process will include local public input.

COLLAR GULCH:

419B

Do not include Collar Gulch in ACEC.

Do not close the road to/through Collar Gulch.

Thank you for the time you have taken to explain issues and changes.

Board of County Commissioners
Fergus County

Vera Fergason, Chairman

Albert B. Miller, Commissioner

Donna Hagan 3-11-92
Donna Hagan, Commissioner

420

RESOLUTION NO. 17-1991

ADOPTING A INTERIM LAND USE POLICY PLAN

WHEREAS, The Citizens of Valley County, State of Montana, presented the Valley County Commissioners with signed petitions requesting the Commissioners to adopt an emergency resolution to protect the public peace, general welfare, health, and safety of the citizens of Valley County from violations of their Constitutional and civil rights of the citizens; and

WHEREAS, The Elected Officials of Valley County are bound by oath to defend and preserve the Constitution of the United States, and to preserve life and property of Valley County citizens; and

WHEREAS, The citizens of Valley County, State of Montana, endorse the protection of private property and private property rights as guaranteed under the U.S. Constitution and under the Civil Rights Act, and desire to assure that these protection and rights are afforded to the citizens of Valley County.

WHEREAS, The citizens and County Commissioners of Valley County feel to preserve these rights, Valley County must have an interim land use policy plan adopted.

NOW, THEREFORE, BE IT RESOLVED the Valley County Board of County Commissioners, State of Montana, declare an immediate dangor to the public health, safety and welfare of Valley County, and
Y-42 hereby adopt an emergency resolution to be known as the Interim Land Use Policy Plan and attached and made a part herewith.

DATED this 13th day of December, 1991.

BOARD OF COUNTY COMMISSIONERS
VALLEY COUNTY, MONTANA

ATTEST:

Mary Jo Rice, Clerk

Arthur A. Arnold, Chairman

Eleanor W. Pratt, Member

Gene C. Raimche, Member

Attachments are available for review in the Lewistown District Office.

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MALTA, MONTANA

IN THE MATTER OF A PUBLIC HEARING -JUDITH VALLEY-PHILLIPS RESOURCE MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT.) TRANSCRIPT OF PROCEEDINGS

Tuesday, October 1, 1991
7:10 p.m.
Villa Theater
Malta, Montana

APPEARANCES:

DAVE MARI, presiding

CHRIS ERB

P R O C E E D I N G S

(Opening by Mr. Dave Mari.)

(Formal Statements monitored by Mr. Chris Erb.)

MS. OLSON: My name is Vicki Olson, and I am from Malta.

A-9 My first concern is on acquisition. We are told willing traders. Will down the road there be an outright buying or condemnation? I think it should be put very plainly that we don't want the Government to become a larger landowner. No condemnation and no buying.

Our community needs the tax base in our counties. Nothing like the Heritage Trust Act that has been introduced in Congress several times. We have been here for generations and want to hand our land on down and not have it taken away from us. Very plainly, the Government should not become a larger landowner.

Secondly, there are so many mistakes in this book. Example: The Double O Ranch owning the Grimsley place. We have never had anything to do with it, and the M Cross H-33 eure isn't going to give it to us. Who got this information and from where?

X-1 The economic projections seem way out of line, and the person who figured them will not explain any of the figures or how they got them. I think it was made up how they wanted it to look.

I N D E X

Formal Statements:
Vicki Olson 3
Connie Cole 5
Steve Bernard 8
Kevin Koss 8
Muncie Taylor 9
Ken Blunt 10
Bill French 14
Dean Kienenberger 16
Jan Abrahamson 21
Don Holzhey 32
Curtis Starr 35
Wayne Stahl 36
Diane Holzhey 38
Mike Breaux 39
James Rector 40
Wes Koss 40
Jeanne Barnard 43
Ken Noland 45
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A-29 An example is the number of AUM's to be cut--a twenty-nine percent decrease in grazing, on the Alternative E on Page 174 a cut of AUM's of 31,116, which comes to 2,591 cattle. If you figure, that would have to be on all twelve-month BLM leases.

Well, most all of them in our area are six-month leases, a few eight months, and very, very few twelve months, so that figure is about half the number that really should be in the cut-cattle numbers, and if you take 3,000 cattle out of Phillips County our economy will feel it, and yet A-29 the projection for this is an increase in income of 1.9 million. My question is how.

Also the maps that are important on our roads, as we have been told, is on the off-road vehicle maps. Well, by that map there are no roads south of Malta, not even the highway to Billings. Also no ranches or schools. This makes the whole area look like no one is there.

I expect down the road someone in Congress to say, well, there is nothing out there anyway, so let's make it all wilderness. Was this done on purpose or is somebody Z-2 really that sloppy at their job? These maps must be corrected and now.

In summary, the thing is full of mistakes, and I think it was slanted so that it will go down--go through and down the road we will all be kicked off our land of three

generations, and we want no more buying and no more condemnations.

Thank you.

MS. COLE: My name is Connie Cole. I work for Pegasus Gold Corporation. My comments tonight will only identify areas of concern we have in the Draft Resource Management Plan. We will submit detailed written comments before the end of the comment period.

Our concerns with the Draft Management Plan include:

No. 1. We are concerned that the black-footed ferret reintroduction program will be a significant negative impact to the economic well-being of the resource management area and represents a poorly conceived commitment of resources. Management of agricultural resources within the limitation required by the reintroduction program will be extremely difficult. We are also concerned that mineral development activities may also be impaired because of proximity to ferret habitat.

J-34

No. 2. The proposed management stipulations to protect visual resources under the preferred alternative would create significant economic impacts to the Lewistown area. The economic data utilized in the draft plan does not take into account the importance of mineral developments in that area. While we realize that minimizing impact to visual resources is a desirable goal of development planning,

we are not aware of statutory provisions granting the BLM prescriptive rights to limit development to protect visual resources.

No. 3. The format of the draft management plan has made it very difficult to analyze the potential impact to mineral development from the various alternative levels of land acquisition and dispersal. Researching the legal land descriptions given in the plan has been very time consuming.

No. 4. We strongly question the BLM's apparent unilateral decision to increase bighorn sheep and elk habitat within the resource area. The Montana Department of Fish, Wildlife and Parks has recently published a statewide elk management plan. The Little Rocky Mountains are in the Missouri Breaks Elk Management Unit. Key portions of both summer and winter range are privately owned. Elk habitat north of the Missouri River is described as limited due to lack of security cover.

G-4

The Fish and Game elk management plan does not recommend increasing the elk population in this elk management unit because of conflicts with agricultural use and the lack of security cover. During drought years reports of game damage are numerous. Both from landowners and sportsmen concerns have been raised about crop depredation, and it would be extremely questionable to attempt to increase wild-

life numbers without a cooperative agreement for wildlife management on reservation land.

No. 5. The potential increase of withdrawn acres for the Azure Cave area of environmental concern--we are not aware of any systematic investigation of bat population in and around the Little Rockies which would support the contention that Azure Cave represents a critical bat hibernaculum of national significance.

N-4

From our knowledge, the cave has bats, period. We have no evidence that Azure Cave represents habitat essential for maintaining species diversity, one of the criteria necessary for establishing relevance within the ACEC evaluation process. Because of its importance to potential future mineral developments, Pegasus Gold Corporation strongly opposes the expansion of the existing Azure Cave ACEC acreage.

In closing, it is obvious that a tremendous effort has gone into producing the Draft Resource Management Plan. However, no indication is given of how the preferred alternative will be implemented. The BLM is being criticized for failing to manage its resources at current development levels. How is it proposed that resources will be managed effectively if you increase that management level?

Y-16

Thank you for the opportunity to enter these remarks into the official record. Our detailed written

comments will follow.

MR. BARNARD: My name is Steve Barnard. I am a director for the Montana Association of State Grazing Districts. I would like to read to you a resolution that we passed at our annual meeting September 27th. It is titled "Federal Government Acquisition of Additional Lands."

"Whereas, the Federal Government is identifying private lands to purchase or trade so that the Federal Government can control riparian habitats, winter habitats, and access to federal lands, and

"Whereas, this acquisition of land decreases privately-owned lands and thereby affects the tax base and further takes control away from individuals and decreases and constrains private use of land,

"Now, therefore, be it resolved that the Montana Association of State Grazing Districts is opposed to any program or proposal seeking to increase Government ownership of private lands and taking the same out of private ownership and use."

MR. KOSS: My name is Kevin Koss. I don't have anything written down, but I would just like to say for all the rest of the people here that nobody wants to lose their lands by this deal, and I don't--I don't see any possible way how you are going to get the revenue on the land after the people are gone, and I would think that these people

who are trying to push this thing through--I don't think any of them went hungry before by the looks of things. If the farmers and ranchers aren't there that's what's going to happen. The country is going to be getting hungry.

Also I would just like to comment on the elk
G-15 increased population. In the first place, I would like to know where they came up with this number--how many elk is in the area. For one, I live there, and I know approximately how many elk are there, a lot closer count than what they come up with, but--and I would just like for these people that want to increase the elk population--I would like to have the ones that implemented the plan come out there and help me do all the fencing that needs done.

Thank you.

MR. TAYLOR: As I don't have any written statement, I need to make a couple comments.

First, on the off-road travel, I have a small allotment out south of Phillips. I am not a horseback rider, and I am very concerned about what kind of problems I am going to have taking care of my cows on a motorcycle. No way at my age and everything I could learn to ride a horse. I like horses, but I can't ride them. How am I going to
C-3 take care of my cows? Is there going to be something concrete, definite, in there that I can get a permit to use my motorcycle for taking care of the cows? That is all on

that score, but then back to my beloved prairie dogs. I need to see some results. They have increased in the few years I have been here by about three or four fold, and that cuts a lot of mouthfuls of feed for the cattle out of my allotment besides being on the private lands. You can't imagine the increase of the prairie dogs. We need something very concrete on this control of prairie dogs.

As history has shown, once we get this endangered species, black-footed ferret, in there we don't have no control, and I don't have any faith in--in the Government or any of the branches that like to come out and talk to me. There are five or six different branches of Government that is going to be responsible for this control, and all I can see is just pass the buck to the next guy.

I won't have it. I am very opposed to letting those prairie dogs run wild. I mean we--the country spent millions of dollars in the past controlling, and now we are going to let them go hog wild all over the place. There is something has got to be done.

MR. BLUNT: The JVRMP with the different issues and their impacts--I would like to respond to their assessment of the prairie dog issue and the impact that they claim it will or will not have.

H-34 Prairie dogs are not listed in the impacts to the air and water quality. Prairie dog towns have a very negative

H-34 effect on water quality, I feel, with increased erosion and siltation of areas downstream. The prairie dog-ferret issue is listed as having no impact on grazing management. There have been many AUM's lost due to the spread of prairie dogs in the last twenty years. Better management by the lessees has lessened the impact of this loss, but it's still, nonetheless, a significant loss. This RMP should recognize this loss and make an attempt to replace those losses with range treatments or something of that nature.

According to the RMP, the prairie dogs do not have
H-3 a negative impact on wildlife, and I maintain prairie dogs certainly do affect wildlife by destroying crucial winter forage for antelope, sage grouse, and mule deer. They also destroy nesting cover for a variety of waterfowl and other birds.

The prairie dog issue is not listed as affecting visual resources. Prairie dog towns are a negative impact to the visual quality of our range lands, in my opinion. Barren and desolate dog towns do not have a very high aesthetic value.

According to the RMP, the prairie dog town issue has no economic impacts to our area or should not have one. This is totally false. Introduction of an endangered species could have a devastating effect. Land values may be degraded a great deal. Devaluing the land could create severe

economic problems to the landowners, schools, towns, and our county. It would make it hard for landowners to borrow money and would shrink the tax base affecting our schools and county government.

I truly wish tonight that we could have a statement from bankers and give their opinions on this. Hopefully, maybe we will.

The interference of federal agencies due to the ferret in the day-to-day activities of the landowners could definitely cause economic impacts to the whole area.

If this plan is adopted, it will require some poisoning of prairie dogs to aid in the control of their spread. For poisoning of prairie dogs to occur on towns overlapping State and private lands, then the financial burden of the poisoning of those lands would be the responsibility of the State lessee or private landowner. I feel that if a town had originated on BLM land and later spread to these other lands then the BLM should bear all the cost-control work. The State land lessee or private landowner had no control of the BLM towns that encroached upon their land so they should not have to bear the costs of control.

There is language in the RMP that should be tight-
H-4 ened to where it says that the prairie dogs must be reduced to the 1988 level before any ferrets could be released. Right now it says that the BLM prefers that it be. I think

H-35

it should say that they must be. Trapping and snaring should be unrestricted except in the towns where the ferrets may be released.

Predator control is vital to the livestock industry, and it's also vital to the survival of ferrets.

From the beginning U. S. Fish and Wildlife Service has said that the ferret reintroduction cannot succeed without the support of the private landowners. There is no support now nor was there any in the beginning from the affected landowners. Yet the ferret reintroduction plan has kept progressing. There is no other way to assess this situation but to say that the ferret reintroduction is being forced upon unwilling landowners.

I would also like to comment a little bit about the elk and bighorn sheep management plan or the management issues. I do not like to see the BLM get involved in big game management. We have one agency managing the wildlife now. That's Montana Department of Fish, Wildlife and Parks. We do not need a federal agency involving itself in what has been a State-managed area.

I have been told by BLM people that they aren't getting involved in game management but they are just identifying habitat, and I would like to look or read to you what it says on Page 86 in this RMP on the implementation of this Alternative E. The first thing it says, "Except in the Little

a prepared statement now. I have three main issues that I would like to address, and I will send you a statement later.

One of the first ones is land acquisition. This thing has really been a bother to me. I know that the Fish and Wildlife Service has actually called the Farm Credit Services to make sure that if--if they actually acquired a ranch because of financial conditions that they would let them know so they could be a buyer. They called more than once. I know this for a fact that--that the Government is in a land-acquisition position, and we should--we should be able to learn from the countries around us.

Russia owned all the land, State or Government, however you want to say it, and now they are starving to death. They are needing our help, and they are trying to put this back to private ownership in order to feed themselves.

The next issue that I would like to address is the introduction of an endangered species. That--that will put a real burden on--on the people of Phillips County. For one thing, we know--we see what it has done to the people that have to abide by the spotted owl, and there is no better way to shut this county down or gain access and gain control of it by the wildlife than to introduce an endangered species, not finding one here, but to introduce one. That would cause

Rocky Mountains, ORV use within elk and bighorn sheep habitat would be restricted seasonally to designated roads and trails to reduce wildlife harassment and provide habitat security." Limiting of off-road vehicle travel in and around 8,000 acres is going to affect game harassment.

There is also deer and antelope in these areas. If you start changing the harvest of game, you are involving yourself a great deal in game management. If your meddling in the game management leads to increased crop damage, the BLM has no mechanism to reimburse or aid the landowner in any way to resolve that problem. Elk and cattle compete much more closely than do cattle and deer and antelope. It seems to me the elk herd in the CMR has expanded a great deal in the last ten years. Ten years ago I rarely saw an elk on my private land, but about five years ago that began to change. In the last three weeks there hasn't been more than a couple of days that I haven't had anywhere from ten to forty head of elk grazing on my meadows and winter pasture.

It's obvious to me that this elk herd is doing quite well with the accessibility the way it is. I don't believe we need to limit off-road vehicle use to give these animals any more habitat security. The BLM needs to stay out of the big-game-management business.

Thank you.

MR. FRENCH: My name is Bill French. I don't have

H-44

nothing but hardship in my--in my opinion, and I believe it's going to be introduced, anyway, and we need to know that it won't be introduced as an endangered species but on the experimental non-essential basis, and, of course, along with the ferret thing comes the expansion of the prairie dog or even maintaining it at the present level with all the soil erosion and the weeds that that causes.

The Farm Program and the Food Security Act go to great lengths to promote soil conservation and see to it that all the farmers do a good job of farming and control their weeds and control the soil erosion and the water quality, all that, and we are going to let these prairie dogs just keep on going and ruin as much land as they can.

The third thing I would like to address is the multiple-use concept that BLM should be more concerned with, especially livestock grazing in particular. Under the Taylor Grazing Act, that's what BLM was originally for, and in my opinion they should be working more toward multiple-use concept and not so much toward wildlife and Land acquisition.

Thank you.

MR. KIENENBERGER: My name is Dean Kienenberger, and I will be testifying on behalf of Montana Stockgrowers Association, Montana Public Lands Council, and the Montana Association of State Grazing Districts.

First issue is land acquisition and disposal.

This issue needs to be explained and presented more clearly in the RMP. Many of our members are concerned with the amount of highly-productive private land identified that meets acquisition criteria versus marginal BLM land acreage available for exchange. While it has been explained that the acquisition and disposal process will be between willing parties and the large amount of private acreage identified is due to the possibility of a lack of willing parties, there is concern over BLM's real objective in identifying such a large amount of acreage for possible acquisition.

A-11 We realize there is a growing public interest in having the Government own more land. However, BLM director, Cy Jamison, has a policy of no net gain of federal lands. Any acquisition plan must comply with this policy.

We are very concerned with any proposal for more land acquisition for elk habitat when consideration should first be given to population management of wildlife. Even though the State of Montana is responsible for population control, very little has been done to address this problem. The BLM needs to sit down with the State and determine realistic population goals and habitat objectives. At the present time the sky seems to be the limit.

A-29 The preferred alternative states a reduction of 2,591 cattle. This reduction will have a negative economic effect on not only the ranchers themselves but on the

and more taxpayer dollars.

We are also concerned with ranching operations being disrupted if a party who is in another part of the county or who is not the permittee trades private land for BLM land within another rancher's allotment.

Second issue is access to BLM land. The Bureau need to monitor this proposal very closely. When more roads are established, there are more costs associated with management and maintenance. The BLM will need monetary resources which may lead to the possibility of taking funding from other projects.

Increased access could also lead to more weed spread, game displacement, and disturbance of other uses of the resource.

B-7 These questions should be asked: One--are there--
B-1 are there other roads where access is already available? and, two--will additional access benefit the resource?

Issue No. 3--off-road vehicles. Off-road vehicle use, as well as access to BLM land, should be handled on a case-by-case, area-by-area basis. Meeting and working out a solution through communication and cooperation is the best way to settle these problems instead of a blanket policy.

Issue No. 7--riparian and wetland management of watersheds. We appreciate that livestock grazing will be used as a tool to meet the objective of riparian and wetlands.

economies of the local towns. The BLM must realize the ranching industry is a constant and stable aspect of these counties. Any reduction in livestock AUM's or private land out of production will only hurt the people who have managed both public and private land and have improved the condition of these range lands or have been--as has been quoted by the BLM.

Z-2 We also understand that the maps identifying the lands are incorrect. This needs to be corrected.

It is stated that any acquisition will be on a willing-party status. However, condemnation by the Federal A-9 Government has been used in the past. Will it be an alternative in this RMP for acquisition?

In regard to the private lands identified for A-3 equisition, who identified the acreage and were the private A-7 landowners involved in the process? If not, this is a terrible abuse of private owners--landowners and their private property rights. Were outside groups involved in lands being identified, and, if so, who were they?

Management of BLM lands is very important. Many times we hear the concern raised by the BLM as to lack of manpower and finances to keep up with lands and programs presently operating. Acquiring more lands and developing more management options, which need more manpower and money, will not decrease this concern. It will only require more

We would caution, however, that the definition of wetlands F-1 has not been determined and is still being discussed among many agencies, organizations, and people. The BLM and the livestock operator must work closely together when developing a management plan in the area.

In several places it is mentioned livestock forage allocations would be granted on newly-acquired land if they are compatible with wetland management objectives. It has been documented that properly-managed livestock can help manage the forage, and we would encourage the use of livestock in these areas to help with wetland management.

F-20 We feel the BLM should closely look at the logic of excluding herbicides and prescribed fires in the wetlands complex. Some form of weed control will be needed because weeds will eventually grow. When and if noxious weeds occur the BLM should be required to control them as is everyone else in Montana.

Issue No. 8--elk and bighorn sheep management. As was stated previously, in regard to elk management, the first criteria should be population management of wildlife. It is premature to discuss habitat until population levels have been identified.

Issue No. 9--prairie dog and black-footed ferret management. Many questions need to be answered before we can even consider supporting this issue. Questions such

as funding, the establishment of a non-essential experimental population of ferrets, prairie dog control, the assurance of private property rights protection, the assurance of the continuation of livestock grazing, and range improvements to provide for more forage to keep the livestock AUM's constant.

H-30 In addition, the law requires that an economic and social analysis be completed when critical habitat is identified for a threatened and endangered species. To our knowledge, we do not know of such an analysis.

Issue No. 10--ACEC's, and that's the areas of critical environmental concern. It is our opinion that the designation of these areas is the creation of defacto wilderness. In regard to the Azure Cave ACEC, if this area is advertised is there any assurance that what the BLM is trying to protect, that is bats, will not have so much public attention drawn to it the bats will be driven away? It appears that special-interest groups have had an inordinate amount of input in identifying these ACEC's.

We would like to thank the BLM for this opportunity to comment, and a letter will be forthcoming.

MS. ABRAHAMSON: Because I have a signature like the president. I wonder better with the microphone. I am used to this. I would like to applaud everybody who is from the older generation. They have never been to college.

They do not like speakers, and I think you are doing a fantastic job.

I hate to bore you this evening. I do have five long pages. I have read this book. It's five hundred and-- what did I say--twenty-nine pages, I believe. I had several professors when I went to college who would be very disappointed in me if I answered with three sentences or even three paragraphs. Please bear with me.

From a wage earner's standpoint--means I don't have a title behind my name--I hope you don't hold anything against me, and with an open mind. I am going to make a few comments, and I am sorry if I repeat what others have said, but I think it just proves how important and how each one of us believe in the same points, and as a wage earner do you think that this proposal, if put into effect, is going to guarantee everyone's job here in the three affected counties, especially Phillips, where I reside? For generations the people have worked the land and the wildlife have managed to survive and also to reproduce in mass numbers. I can't see if you take all this land out of production where all these people will go. Who will feed them all standing in soup lines? Remember the Thirties.

The tax base will also be lost from the agricultural point. It will be such a deficit to our local economy that many of the smaller towns which are struggling to hold

on now will not survive. This includes Malta, and this is my home. This town has been and so has the entire county basically supported by agriculture. "In 1990," quote, 'agricultural sales contributed nearly 2,000,000 to our economy," by Jim Sands, from Farmer Stockman, October issue, in 1991, so you can see it remains Montana's mainstay.

In Phillips County, the Pegasus Mine is also a big plus, as several other businesses have been in the past, including American Colloid and even Ruby Mine. I hope it stays, because during these dry years we really needed it for our tax base. If they take away and we lose Pegasus, we could end up back to farmers and ranchers again, and we better pray for rain, because they are the main economic support of our county, and we have got excellent support from the mines.

Let's get into the issues in the JVP draft. The study for this was done in the last three years, they say, and rainfall and snow has been almost non-existent for the past ten years in this area, which hasn't benefited the range lands at all. This study, therefore, cannot be long term.

The draft also contradicts itself in so many places it's almost a joke. If this draft or study was only done A-39 recently, three years, since 1988, then why on Page 133 does it state that in the last ten years five sales have been completed to accomplish this plan? What happened to the

A-39 three years the plan has been worked on and the rough draft has been made?

Of these five sales three were at the D-Y Junction in Phillips County, two in Valley County at Hinsdale and Tiger Butte. Looks like it's been in the planning much longer and is actually a land grab in disguise.

I believe at the last meeting in Malta on this draft we were told that this rough draft, this large book, cost $80 apiece. Where did they get the money from? Our Y-1 local taxpayers' dollars from down the line probably paid for them, and not only the rough draft. How much more will it cost to get a final copy? Why wasn't this money put to better use like improving the so-called management that already exists? Example: Building more reservoirs, ripping more range land, to benefit the wildlife as well as the cattle, and they wouldn't have stepped on anyone's toes doing it.

If this is such a rough draft, how come it is done Y-35 in such detail and those representing the idea talk so positively like it will be accomplished in a very short time? Rumor has it by the year of 2,000 if not before.

This rough draft said the ferret would also be good for the tourists, and I don't understand how when it's a nocturnel animal, and a spotlight will have to be used to see a ferret. How many tourists own a spotlight let alone

are out in the toolies at midnight to night one? One of the BLM employees commented when asked about this at the last meeting, quote, "I never thought about that," unquote. Seems like the whole rough draft was written with a whole lot of, quote, I never thought of that, included in it.

On national TV recently Conrad Burns stated that there were thirty-five BLM employees when the BLM started in Montana compared to the 600 employees now, and I don't know what they are doing other than trying to stay out of each other's way and look busy, as you can't see that they have bettered the BLM or Montana--September of '91.

I have been through several sooe and wildlife reserves, and most nocturnal type animals are inside of a building designed to be a reproduction of their habitat, including a viewing room, so as to see their activities by the aid of a nighttime imitation light source. Most tourists will go to a soo rather than drive hundreds of miles and not be guaranteed to see anything. Well, I take that back--cactus, sagebrush, maybe a few prairie dogs.

I myself owned an albino ferret which was mainly nocturnal most of his life, too. They have a short life, you know, as their heart beats rather fast. Their average life span is only seven years. They, too, adapt, as my pet did. He loved Big Mac hamburgers, bananas, lettuce, candy, and especially chocolate.

Page 50 states, "After reintroduction occurs, all activities which may impact the ferret or its habitat may require informal consultation with the Fish and Wildlife." All activities will be allowed except when dealing with the ferret, it continues on. As we know from past experience, this is not true. The Government takes more and more control. Why, this year I oven had to buy a permit to go bow hunting. Who knows? Next year I will probably have to buy a permit to go potty. Go back a few more years. My grandfather [sic] is one who helped buy and transplant, as many other farmers and ranchers did, the elk about the Larb Hills. Then the Fish and Wildlife now control these, where and how many permits are issued, or they try to. Why isn't the farmer and rancher getting a return on his original investment, since he planted them?

Go back another generation or two to grandparents and great-grandparents here. They were forced out of their homesteads along with many neighbors when Fort Peck was completed. How? When the water raised they moved if they hadn't already had their land condemned. This is Government. After the Government condemned the land who else set a price for this condemned land and paid that--that price to all the farmers and ranchers regardless of their feelings? With a little negotiation and planning and time not near so many toes would have been stepped on again and not so many negative

feelings would have resulted, and you ask me to trust the Government.

On Page 37, this plan also states that they want to fence the existing, specific, and new reservoirs for 100 feet around the shoreline so as to protect the vegetation and so that the fowls nesting will not be disturbed. What will this do to the cattle water? Most cattle are on private ground calving themselves until the nesting season is over, so now we have less water for the cows. Will we have two reservoirs? One for the cows and one for the birds? I believe I have seen many deer, antelope, and elk go through, over, or under the fences to get to water, forage or safety. Now, tell me these critters won't disturb the nesting.

Page 154, quote, "For acquired land, it's assumed the average livestock grazing capacity is 5.5 acres per animal unit month. Based on livestock forage allocations made on acquired land in the past ten years, allocations of livestock forage would (sic) be reduced twenty-nine percent where lands are acquired for wildlife habitat," unquote. If this truly affects so many ranchers maybe they should all pay their grazing under protest. After all, it's probably part of these fees that are being used to plan and accomplish this JVPRMP; right?

The natural habitat of this area is not normally heavy grassland as the rainfall is not here and also the

type of soil is not right for it. When in reality it takes forty to fifty acres per cow, this is proof. The rough draft states that low vegetation causes erosion. In real life in 1986 all the wildlife or a large portion of it moved out of the Larb Hills due to no water from lack of rainfall. Where did they go? To the prairies where farmers and ranchers had reservoirs and alfalfa or hay fields. They had eaten more grass close to their water sources in the Larb Hills and since lack of water and close grazing was gone they, too, moved. Do you see more erosion now as a result of their over-grazing near their water sources? The answer, if you don't know, is no.

They talk about soil erosion from off-road vehicle travel. I don't see it, and talk to any other rancher or children of. One rain wipes out the tracks, and besides most folks don't drive off the road with a $25,000 pickup and abuse it, and besides they don't have heavy tires to withstand the cactus and thorns of nature or the money to put into them.

Continuing on erosion--let him put more ink in his little stenographer thing there--erosion on Page 132, "These problems include resource damage such as soil erosion on steep sloped, soil compaction, and rutting from use during wet periods, destruction of vegetation, and loss of ground cover as roads and trails are created and/or expanded.

Harassment of wildlife and a loss of scenic quality may occur due to additional roads and trails.' Let me tell you on my budget I don't have pocket change lying around just to gas up and head for the country to harass the wildlife, and what would be the purpose anyway? How many folks would do this? Usually they hunt for food or fun. I have personally seen the Fish and Wildlife fly their plane over the wildlife--example: elk and antelope--to score them up several weeks before hunting season opens, many times, and I don't believe this is right, either. Who are they worried about doing the harassing when our Government agencies are already setting the examples?

The Fish and Game have done nothing to improve their grazing for the wildlife or water resources either. Only thing is to plant no-off-road travel or no-travel-beyond-this-point signs and the like. This is the only thing the public can see.

"The optimum habitat," quote, Page 125, 'for antelope consists of open, rolling sagebrush-grassland as free from human encroachment as possible. Their winter diet consists of at least eighty percent sagebrush. Quality habitat contains sagebrush twelve to twenty-four inches in height," and "forbs become important during the spring, summer, and fall, while grasses are of minor importance year-long," unquote. I have seen them eat grass and herds of

ten to 120 or more have been eating in the farmers' winter wheat and hay land. If they, the antelope, eat so much sagebrush all winter long, what are they doing on the crop land? When I hunt north of Malta we always shoot our antelope in the wheat and barley fields on the Albert Flensaas place.

Let's go back to the, quote, 'The optimum habitat for antelope consists of open, rolling sagebrush-grassland as free from human encroachment as possible.' Where does that put our roads, fencing, cattle, hunting rights, humans, et cetera? Looks to me like on the back burner.

S-21

Page 156, "Prescribed fire in the Missouri Breaks can achieve desired management objectives. Fires in dense ponderose pine and juniper increase grass and forb production and can benefit livestock grazing.' Then this draft contradicts itself. First we are going to benefit livestock grazing. Then on Page 157, the very next page, "Uncontrolled fire can also be very detrimental to wildlife. Fire can remove large stands of juniper and sagebrush from winter ranges and reduce or eliminate wildlife populations on burned areas. The severity of the burn could prevent re-establishment of shrubs for over ten years. This can be a significant negative impact to wildlife in short and long term if re-establishment of shrubs does not occur." Probably impact the cattle, too.

In this draft it says they are closing Montana

Gulch Campground in Lendusky. I have direct descendants buried in the cemetery there as recently as 1990. I don't understand how one Government agency spends big money to improve campgrounds, et cetera. Then later the same or another agency spends even more money to close it when little or no maintenance has been required compared to the mass enjoyment that it brings to the public. We also have had many family reunions there. There are many held at Montana Gulch, and it's beautiful, close to where many of them grew up. It's cool. There are tables, parking, and many trees.

As a Montanan, we have been hit with so many things recently, even as a nation, including the spotted owl. Didn't higher lumber prices also affect us, endangered species, CRP, wolf reintroduction, beef check-off? Water rights a century old now are being taken away due to many reasons, the main one wildlife. Hunting rights and increase in the kinds and number of permits required and even the let-burn policy. Look how the public reacted when Yellowstone was allowed to let burn. You say a lot of this is for posterity. Who is posterity if it isn't us and our children and grandchildren, et cetera? Who are we working the land for?

Throughout this draft it talks about land being put into CRP. Aa I see it, it was nothing but a land grab or attempt in itself. It took private deeded land and controlled it in its use by Government policies and agencies.

Even the cattle could not graze it, but, oh, yes, the deer, the elk, the antelope, the wildlife could. If this is not a wildlife refuge what is?

I could continue on and on. This is a long book, as you know, if you have read this draft, you will conclude--but will conclude saying how are three, four, or even five BLM employees going to manage this enormous number of acres that this draft proposes to manage when currently it takes seventy-five, a hundred, or even more farmers and ranchers to currently manage the same amount of land?

Sincerely, Jan Abrahamson. Thank you.

MR. HOLSHEY: Yes, this is Don Holshey, and the biggest share of the things I want to say have already been said, so I am just going to kind of highlight it and go through a little fast.

I would like--

VOICE: I think she turned it off.

MR. HOLSHEY: I guess I was loud enough before.

I would kind of like to see a little proof that they really need any more wilderness, which I think this is going to end up in in the end, anyhow. This is just making a lot of people scapegoats who work with the BLM to put it through for them. A lot of them I don't think want it any more than we do.

They have got 29,000,000 acres of wilderness in

the State of Montana already, and that's not counting refuges and a lot of other areas, and if they do turn us into a wilderness are they going to manage it like the CMR has been managed by the Fish and Game?

It's the biggest laughing joke in the history of America, and it would make most of our forefathers plumb sick, and then we go to the multiple use, and the BLM was formed by the Taylor Grazing Act, but it looks to me like they are more acting like Fish and Game and oddball societies. You name them. There are lots of them. I think it better revert back to multiple use.

We can improve this land. We can have cattle. We can have game. We used to have all kind of sage chickens and pheasants. We had hunters on our place from all over the United States. Kelly Koss, Karl Rhorer' family--had more pheasants than you could ever believe, and they say in your book that the farming and the sage--killing the sage-brush for the farming has got rid of our birds. Well, most of the area out there has got the same amount of sagebrush as ever, but uncontrolled fox and raccoons has just all but eliminated them. S-22

Another thing. We have got schools. We have got hospitals. We have got towns--Great Falls. TV the other night they don't have the money to run their town or their courts.

is properly educated, and I think you are doing pretty good job--pretty good job of educating down south here, and I don't think we have done a thing for the rest of this country that wants this, and I am just going to cut her short there, because everything else has been pretty well covered, and I don't know why we can't improve this ground, spend a little bit of this money on more water for these animals that came out of the Lerb Hills and ate up two or three years ago, and I got a real good check for that. They ate all my winter grazing, tore up two-thirds of my second-cutting bales, round bales, and I heard the Fish and Game was even putting a law into effect outlawing round bales. They are a little upset. They want those elk and deer to have a square meal.

Thank you.

MR. STARR: I will be brief. I don't have anything written down.

I am the current president of the Chamber of Commerce, and I should say that I am speaking for myself, although I feel confident I am expressing the views of a lot of Chamber members, although we haven't officially taken a stand on any of this.

We wanted to come here tonight to--so that we didn't give the impression that we aren't concerned about some of the things in this plan. In general, I think we are concerned, as many of the people here, about what we perceive

New York shut off two-thirds of their street lights. They have been laying off two to 300 county laborers per month in New York. That's where most of these people want this. Why? They are broke, too. Why all these elk in Lerb Hills?

Go look at their fences and their crops. Go look at Wes Koss' crop this fall. A hundred fifty elk in there every morning, every night. Who paid for that damage?

I have got prairie dog towns listed on that map. I wasn't important enough to be on the map. My name isn't even on there, but essentially they still want to trade for all of my deeded except where my buildings are. I have got a letter to that effect, and there is prairie dog towns, two of them listed on me, that aren't there and never were there. They are between me and the First Creek Well, and if this goes through--these ferrets have never lived in Meeteetse. Why all this hassle up here when they can't even get along with them in Meeteetse and they have a death ratio of fifty-three to roughly ninety percent, and if it does go through where is the taxes coming from and what are the tax increases going to do to the rest of this county? H-36

We cannot hardly keep our hospital going good enough here for first-aid treatment, and our schools are hurting. We need new schools everywhere, and it just said on TV the other night that only one percent of our population

as a national movement of sorts coming out of the East which views farmer, rancher, and businessman in the West as basically trespassers. And I guess our concern is that there are elements of this plan which although I believe the local BLM officials are sincere in what they are proposing and sincere when they assure us that condemnation and those types of things are not part of the plan once enacted might become tools for an agenda that--that they are not in control of.

At the Chamber we are vitally concerned about anything in the plan which would reduce the number of farmers and ranchers in the county from--from even present levels, because that will have a direct impact on us, on me as a businessman downtown. Even if--even if their lands are acquired willingly the fewer farmers and ranchers there are out there the fewer of us there will be, and I think sometimes we forget people are a resource that deserves management as well as the ferrets and--and the other aspects of this plan.

That's all I really would like to say at this point other than to express our concern that anything which affects the farmers and ranchers here is of deep concern to us.

Thank you.

MR. STAHL: I guess I don't really know how to start. This came as a surprise to me.

Basically, I think the public domain, the ownership

of lands by public and by the U. S. Government or the State Governments, Fish and Game, U. S., and Wildlife Services, are kind of getting carried away in the State of Montana. I think right now it approaches almost fifty percent or greater in the State of Montana. The numbers in Phillips County are slightly less than fifty percent, and it kind of bothers me, because I think that people my age and younger are not going to have the--the opportunity to use these lands to make a great state and keep Montana a great state as it once was, and it seems like as we progress along in the years you look back on history a little bit, and I don't look back very far, but the more and more we are here it seems like we are becoming a playground for America, and Phillips County seems to me to be on the forefront of that, and it's really sad, because someday I don't think that my children are going to be able to enjoy the things that I enjoy.

I don't like the idea of a government owning all this land. I do have some plans that are not fully completed yet, because I don't have all the information, to maybe help stay off the ownership of public lands and maybe even control some of the use of public lands by local people. I hope to have some of that information by the end of next week, and I guess from there we will progress as we can, but I want to go on record as saying that I really totally object to the piecemeal progressive steps that the Federal

Government through one organization or another has over the period of time gradually made to force the people out of lands, be they private, State, Federal, or whatever. They seem to want to block it all up and make another CNR out of South Phillips County.

It seems like they are spending our own money to take something away from us that we felt has been taken well care of for many, many years, and when you use the people that I really don't think intend for these things to happen--the local management of these organizations don't seem to have the control. They are out doing their jobs, doing what they are supposed to do, for the paychecks they get. Yet they don't have the control of the final outcome of what happens to what they are doing.

U. S. Fish and Wildlife Service buys land in the State of Montana. The local guys tell us, well, we are only going to do this. We were told once that the CMR was going to have public grazing, multiple use. We don't have that anymore, and it just seems like it's one step after another, and they are using our own money against us, and I just want to say that I really don't think that's right, and I don't think that public ownership of land is a good thing for the State of Montana or Phillips County.

MS. HOLSHEY: Yes, I do. Gene says the thing won't bite. I am Diane Holshey, and I am not going to read mine

here, but I just wanted it to go on record that I brought it all typed up for you.

Thank you.

MR. EKEAUX: Yes, I would like to make one. I would like to address the wetland and riparian area. There is two problems I have with it.

F-1 One, it has a very vague definition of wetland, what a riparian area is, and, two, your proposed areas of the riparians that are listed have a conditional statement of whether--condition of what the riparian area is. Most of them are undetermined. Before you make a policy you should make it clear what, where, and how these riparian areas are--are going to be affected.

I assume the BLM is going to use the new proposed definition found in the Federal Register in August for what a wetland and riparian area is.

I would like to read a petition that is being circulated in response to that definition. "Whereas, the prairie potholes and other designated wetlands have been excluded from the proposed definition of wetlands, as outlined in the Federal Register, dated August 14, 1991, we, the undersigned, recommend that the prairie potholes should not be excluded from this definition of wetlands." Prairie potholes should be required to meet each of the three criteria which are used on the new proposed wetland defini-

tion.

There are seventy-three signatures on here. I am not going to bore you by reading them all. You will have a copy, because this is going to go to Mr. Gregory Peck, so thank you.

MR. HECTOR: My name is Jim Hector, and I am from Glasgow. I am a member of the Valley County Sportsmen's Club, and we met last spring, spent a great deal of time discussing in particularity the off-road vehicle travel plan, went through a great deal of effort, many meetings, a lot of debate, came up with what we considered to be the best alternative, provided that input to your management team, and included in that off-road travel plan was a provision for game retrieval.

We were told that that game retrieval option would be included in the off-road travel plan, and we found at the--at the last minute that it was removed from the off-road travel plan, and I guess we feel as though we did do a great deal of effort, made some meaningful input, and we C-5 would like to see the game retrieval reinserted into the off-road vehicle program.

Thank you.

G-4 MR. KOSS: Yes, I am Wes Koss, and I understand G-16 you want to expand the elk herd in Larb Hills area, and I personally know from experience, and I show up at my farming

along about 7:30 or eight o'clock, that quite often I will see somewhere between ten and anywhere to a hundred of them--I lose count after that--and I have heard reports that people have reported elk within fifteen miles of Malta, and I suppose you biologists would say that farmers aren't qualified to identify these elk, but there is a noticeable difference between the deer that they usually see there.

I was wondering why--why would you want to grant this curse on the rest of the county, because they do take up a lot of what is supposed to be for cattle or your farming and, believe me, they can do a number on a--on a crop, especially oats, and then you went to expand the bighorn sheep into the Larb Hills area, and in your book, the RMP, or whatever it is, you say that it's not going to--these changes are not supposed to affect the AUM's for the ranchers. Well, since they haven't improved the range land any where is the extra grass going to come from?

G-3

It just doesn't make sense, and, on your prairie dog and ferrets, doesn't it seem a little ridiculous to spend fifteen, 20,000,000, heck, who cares, thirty, for weasel when we can't get a school built here, we can't--you know, and, as was stated earlier, people are going broke. They are getting fired. They are laid off in the big cities, and naturally Congress can't budget, you know. They just go broke every year earlier and earlier.

It would seem that we are being very foolish to promote a weasel, whether it's on endangered species list or not, for the mere fact that it has absolutely no--no good uses. Prairie dogs are no good use, so why would the weasel that's supposed to kill them be any good use, because it's obvious they can't keep up. Anybody that's got prairie dog towns knows that they increase like, well, like rabbits.

Anyway, true, we are supposed to promote our endangered species but, good Lord, let's use a little common sense. This is ridiculous.

As for off-road designations and stuff, any time you would like to see your little CMR you come up against no--no vehicles on these trails. Well, from where I drove I can see nothing real pretty out there, so what are you guys hiding behind all these? Everybody knows that that little trail across there is not going to stop the animals from migrating across the road.

Everybody has had close calls with--with deer, antelope, elk, whatever, so I don't understand exactly what a trail is going to affect this refuge, because as long as you have the trails there, and responsible people should stay on the trails, they should not go, you know, tearing up the tallest hill just to see if they can make it. If they are just going to enjoy the CMR they are going to stay on the trails, and if they want to see something of interest

up close then they can walk in, but the average person is not going to walk ten miles down in there to just look around. Anyway, I wouldn't. It seems a little ridiculous.

I think we need to go back and look at this RMP. There is definitely a lot of mixups in there--not listing a Highway 191, tarred road, it isn't showed on the map for access. Well, we all know that semis can roll over it, so it definitely should have been listed for access. You can even get in your little Hyundai or whatever it is across that road.

Z-2

Anyway, I think we need to look at this plan a little more, because there is some--a lot of common sense things are bad, wrong there, and there are a lot of obvious mistakes that imply that--things about Phillips County that could have a real impact on us and if we all have to leave because looks like the wilderness and Congress makes a wilderness out of Phillips County--I don't know. There may not be a real large number of us, but we are still going to make the statistics on welfare, job hunting, or whatever, and it's going to cost everybody, because ranchers do tend to make a fair amount of money, anyway, for tax reasons. It seems like I pay plenty, so we are--we need to look these things over, look it over a little better.

Anyway, thank you.

MS. BARNARD: Thank you, Chris. My name is Jeanne

Barnard, and I am also the Phillips County assessor. My statements tonight are my own. I will issue an official report of fiscal impact as far as the tax base is concerned at a later time due to the fact that you are not just talking land base. You are talking revenues from cattle. You are talking revenues from the mining industry.

We are seeing a tax shift here. 1986 we saw revenue sharing which shifted a great deal of the burden to the local taxpayers. No longer could they rely on another source of income. At the same time we had I-105, which restricted the counties from generating any more revenue than they had received in 1986. The impact of that is that if we lose any value to our county now it will result in an indirect relationship as far as the mill levy. You reduce the taxable values. You increase mills. In turn you are increasing taxes. I believe that's a concern of the people here tonight.

The mining industry and agriculture make up over seventy-eight percent of our tax base here in Phillips County, so I really feel that what people are telling you tonight you need to listen to. The impact is significant. The 1989 legislature shifted the natural gas tax to Helena. We no longer have that as part of our tax base. Therefore the burden falls on the mining and the agriculture as our primary source of tax base here in Phillips County.

In a statement before the December deadline, I

will issue the impact of reducing these revenues to Phillips County. At this time I am not prepared.

Thank you.

MR. NOLAND: I am Ken Noland, district director for Congressman Ron Marlenee, and first let me thank the BLM on behalf of the Congressman for their consideration in extending the comment period till December 15th. It was greatly appreciated.

I think that the system is working. The greatest asset that you have as professionals is to really listen to the professionals who are talking to you now. These are the people that manage. These are the folks that make their living. These are the folks that Vicki said third generation. These are the folks that have to have the input, and, of course, the responsibility you are charged with is to consider their comments during the comment period, but it would be senseless to have one meeting after another meeting after another meeting if we weren't serious about what they are saying.

Somewhere, sometime, it has to stop. Somewhere, someplace, we have to talk about jobs, income, protection of individual rights. Your plan is great. You have done your job. You were--you were charged to do it. Now it's time for the people to come back in. If there is ever a place, Chris, and you know this, that it will make a

difference, that the people will make a difference, it will probably be here in Phillips County. They understand. They are stewards of the land. They came here tonight to tell you please listen.

Thank you.

MS. KOSS: My name is Michels Koss. I am not--this is my first meeting. I have never been to one of these before. I come from the city in one of the largest agricultural areas in California, and I have seen what these land takers can do to small communities, because it has happened in my own community, where just no old man had decided to save up his--his money and retire on a piece of property and farm the land, just enough so that he had something to do for the rest of his life and provide a little more comfort and stability for his family when he retired, and people just like the BLM thought, hey, it would be a great idea just to reserve property and, you know, push this little rancher out, and his life was destroyed. Well, not only was his property taken from him but me, a taxpayer, my taxes were increased as a result of this mass movement to take over agricultural areas, which I really think is a big concern of a lot of people around here.

My other concern is--is the replacement of endangered species like a wolf. I am coming from the big city, and now I am plopped into the center of a pit in Larb

Hills that's really small, but there is a lot of wildlife out there, and I appreciate wildlife. I am one of the biggest animal lovers you will ever find, but I have also seen what the domestication of wolves can do, and consider all the children in Montana. From what I understand three children in Montana have had their arms removed by, quote, domesticated wolves. Now, I am out there. Am I supposed to let my children run around in the Larb Hills knowing that wolves might be possible in my yard to rip their arms off, and another thing I feel is that if you are going to domesticate, if you are going to try to increase these populations of these endangered species, why not do it close to the city limits where city people can have their children possibly endangered? That's one thing to consider. It angers me that something like that could be possibly even considered when you don't think there are people out there, but we are out there, you know, and, like we said, this is the third generation of people. Not only--I mean my generation is pretty educated. We go to college, and if all else fails, hack, we can go out and get a job somewhere else, but that's not the point.

The point is that we are the result of the blood, sweat, and tears of generations and generations before us. I think you need to take that into consideration about who made it so that you could be in your job and be in the posi-

tion that you are in now--our families.

That's it. Thank you.

MR. ABRAHAMSON: My name is Willard Abrahamson. I have never done much public speaking, but I will keep it brief and to the point.

I have heard a lot of reference tonight to the future. I right now have a year-and-a-half-old son. I would like to know what's your definition of the future, and I hope there is one for him in Phillips County.

Thank you.

MR. OXARART: Yes, I am Greg Oxarart. After having read and reviewed this management plan, a lot of the people that were responsible for producing that document are here, and I think if you would just listen to the people and absolutely go home and do something about your mistakes in this thing we could probably live with it and that, like Mr. Noland said, the system is working, and if you will just listen to us. We go to meeting after meeting and yet we still have the same inaccuracies in this document, and if you would just go home, and I am talking to you guys mainly, because you are all here--Gene, Mike--if you would just go home and do that I think we could probably live with this, and you, Chris, too. You have the power in your hands to rectify some of the wrongs that are in this document, if you will just do it.

MR. KOSS: I am Edwin Koss. I got a question for you, Chris, first thing. Have you ever seen the movie "The Sun and the Morning Star"? How about some of the rest of you fellows?

That's a story of Custer and, you know, he run over them Indians for years there, but when they finally organized he got what he needed.

That's what's going to happen here if you keep going. Everything will lay you back around here. Kind of reminds me of a rapist. He thinks it don't make any difference. He thinks he is going to get your own way, have it your own way, whether we kick and fight or whether we don't.

Thank you.

(A recess was then taken.)

(Question-and-answer session, Chris Erb presiding.)

MS. PAULETTE SHORES: My name is Paulette Shores. I am married to Dan Shores, and his folks homesteaded out south. Recently, Chris, you appeared at a chamber meeting at which I was present, and I asked you. I said, "Are the landowners out in the south country worried about losing their land?" and unless I misunderstood you you said no.

It seems to me, looking around, you have landowners. You have chamber members. You have commissioners. You have county assessor here. They are all worried about these people

losing their land. Maybe you should--people should listen to us. We don't want your land acquisition. We don't want your wolves. We don't want your ferrets. We want our land.

Thank you.

(Response by Mr. Erb.)

Y-36 MS. EVA OXARART: My name is Eva Oxarart, and I want to know if your CRMP process is voluntary or mandatory.

(Response by Mr. Erb.)

MS. EVA OXARART: I don't believe it any longer is. Is it? I think it's mandatory. We have to go by your CRMP; isn't it?

(Response by Mr. Erb.)

MS. EVA OXARART: Yes, I am.

(Response by Mr. Erb.)

A-40 A-1 MS. EVA OXARART: Where--when and where did you get permission to go on the private land and do all the tests and whatnot that you say--that is in that book?

(Response by Mr. Erb.)

MS. EVA OXARART: Yes.

(Response by Mr. Erb.)

S-4 MS. EVA OXARART: So you didn't go out there on the private land?

(Response by Mr. Erb.)

MS. EVA OXARART: Is it also true that if the ferrets are introduced out there that the wolves will not be

S-4 introduced?

(Response by Mr. Erb.)

A-12 MS. EVA OXARART: In other words, you don't have to go by what you tell us now. You can amend it to suit yourself?

(Response by Mr. Erb.)

MS. EVA OXARART: Am I--

(Response by Mr. Erb.)

A-12 MS. EVA OXARART: Am I to believe then what you tell us tonight is not necessarily what you are going to do tomorrow?

(Response by Mr. Erb.)

MS. EVA OXARART: Isn't it a Communist state where the government can come in and take your land and own it all and we are just serfs?

(Response by Mr. Erb.)

MS. EVA OXARART: Well, when they had the first meeting out at the First Creek Hall there was not one person there that wanted the ferret, and when it came out in the Phillips County News there was no opposition to it. What good does it do to have these meetings?

Y-35 (Response by Mr. Erb.)

MS. EVA OXARART: Oh. Okay. Thank you.

(Response by Mr. Erb.)

MR. TROY BLUNT: My name is Troy Blunt, and I would

C-6 C-5 like to know who was responsible and their thinking behind their disregard for the CRMP group recommendations to off-road vehicle travel and game retrieval stipulations.

(Response by Mr. Erb.)

MR. TROY BLUNT: And they are the ones that made the decision to override the CRMP recommendation?

(Response by Mr. Erb.)

VOICE: Can I ask you why?

(Response by Mr. Erb.)

VOICE: But why?

(Response by Mr. Erb.)

(Response by Mr. Otto.)

C-16 MR. TROY BLUNT: Was no game retrival stipulation considered in the economic effects being you were allowed to change it?

(Response by Mr. Otto.)

MR. TROY BLUNT: Loss of hunters.

(Response by Mr. Otto.)

(Response by Mr. Erb.)

C-4 MR. KEVIN SALSBERY: Kevin Salsbery. When you were talking about enforcement of this, are we going to be inundated with a large number of BLM personnel or whom to enforce?

(Response by Mr. Otto.)

MR. JAMES RECTOR: In that regard, I would like

to know--my name is Jim Hector again. I am speaking on behalf of the Valley County Sportmen's Club. We are particularly interested in this game retrieval issue. If the Montana Department of Fish, Wildlife and Parks' game wardens are the enforcement agency for the game retrieval, did you gather any input from the Montana Department of Fish, Wildlife and Parks' enforcement division concerning the enforcement of off-road travel, and if you did I would like to know who you talked to and when.

(Response by Mr. Otto.)

MR. JAMES RECTOR: Do you have any--do you have any written correspondence concerning the enforcement of the game retrieval from Fish and Game enforcement people in Region 4 or 7 or Region 6?

(Response by Mr. Otto.)

(Response by Mr. Fahlgren.)

MR. JAMES RECTOR: I guess my concern was that we are using the Fish and Game as an excuse for eliminating the game retrieval option. I would like to know what it came from in the Montana Department of Fish, Wildlife and Parks.

(Response by Mr. Miller.)

MR. JAMES RECTOR: I guess my concern is--is that we went through the CRMP process. We went through the process. We put in our input. The input was pretty much overwhelming,

MR. FRANCIS JACOB: My name is Francis Jacob, and I live out along the Dry Fork Road there, and I would like to know who made the determination that the lands from there to the CMR should be on the off-road travel, no off-road travel, and another question I want to ask you isn't that just another attempt to bring the CMR farther north? C-1 C-2

(Response by Mr. Erb.)

MR. FRANCIS JACOB: Well, I guess maybe I didn't get that question quite asked right. I wanted to know what the criteria was or whet--did you have a good reason for even designating that area as an off-road travel area? C-1 C-2

(Response by Mr. Erb.)

MR. WEB KOSS: I would like to address this enforcement issue because either way I have never seen any of the six hundred and some employees enforce anything out on the range, so whether they are--you have to get out there and ask somebody where the gut pile is when they are out there retrieving their game or whether you got to go out and make sure the people ain't driving all over the roads and all over the hills, either way you got to enforce one way or the other, and if you ever packed out any of the larger game animals distance becomes an issue because if you are in the breaks area an elk will get very heavy by the time you pack it a mile or so, so I--I would say, you know, for the most part you do need game retrieval.

I believe, at least in Valley County. I am not sure what happened in Phillips and Judith, but in Valley County, and the game retrieval was included in that preference because of the public input, and now we have a decision made by the management team to remove game retrieval, and that decision was not based on public input. That decision was based on what--end we hear enforcement, and if enforcement is the reason why it was removed then I want to know who in the Montana Department of Fish, Wildlife and Parks told you they couldn't enforce it. C-6 C-5

(Response by Mr. Miller.)

MR. JAMES RECTOR: One more thing. Then I will shut up and sit down.

(Response by Mr. Miller.)

MR. JAMES RECTOR: The reason I keep harping on this because I happen to be a commissioner for the Fish, Wildlife and Parks, and I guess I want to make certain that the Montana Department of Fish, Wildlife and Parks is not being used as a scapegoat in this decision.

(Response by Mr. Miller.)

MR. JAMES RECTOR: Thank you.

(Response by Mr. Miller.)

MR. JAMES RECTOR: That's what I wanted to say.

(Response by Mr. Miller.)

(Response by Mr. Erb.)

Thank you.

(Response by Mr. Erb.)

MS. EVA OXARART: This is the final thing?

(Response by Mr. Erb.)

MS. EVA OXARART: It's a draft, but you are still going to do all this stuff. It's not the final then. Y-15

(Response by Mr. Erb.)

MS. EVA OXARART: In other words, you are shoving it down our throats.

(Response by Mr. Erb.)

MR. STEVE BARNARD: Yes. I would like to know how you are going to enforce this. What kind of plan are you going to have so you know that they--off-road vehicle use or whatever? C-4

(Response by Mr. Erb.)

MR. STEVE BARNARD: What is the penalty going to be miles from nothing? C-17

(Response by Mr. Erb.)

(Response by Mr. Otto.)

MR. KEVIN KOSS: Kevin Koss. I would just like to make a comment, first of all, that if this thing on off-road vehicle travel is implemented so they won't be able to retrieve game the Fish and Game's plan to increase the elk herd from 2700 to 4500 in their proposed area--they won't have to do anything but sit back and watch it grow, because

if you don't get the retrieved game there is going to be--
hunters are going to be limited to where they are going to
hunt. They are going to go somewhere where they can get
in there, because they are not going to walk ten miles just
to find something.

Second of all, as going along with this off-road
vehicle travel, someone mentioned earlier about traveling
with a motorbike or four-wheeler, which quite a few of the
farmers and ranchers have now, and I was inquisitive of this
myself, because I use a motorbike to travel on a lot of our
land that is on BLM to gather cows at times, because it's
such a long circle with the horse, and I would like to know C-3
what the stipulations are on that.

(Response by Mr. Erb.)

MR. DON HOLSHEY: Yes. This is Don Holshey again.
Just talking about vehicle permit, if you want to go out
in your pasture--kind of sounded like that. Is that what C-3
you were meaning?

(Response by Mr. Erb.)

MR. DON HOLSHEY: And then you would probably have
to have a license, signal lights, breks lights, like Gene
Barnett was telling me he had to have before he could go
up and down the CMR to look at his cattle? He would have
to have liability insurance on his four-wheeler. This is
no joke. Cost him $175. He had to have his four-wheeler

MR. DON HOLSHEY: When you drive on a county road
you are driving on our road, you guys from the north. We
paid funds to build that road. How many funds did you guys
pay to build the roads, county roads, or the highways?

(Response by Mr. Otto.)

MR. DON HOLSHEY: I know the feeling the public
has, the Fish and Game, and all we see is improve hunter-
rancher relationships. You better throw the Fish and Game
in there with that relationship, too. They can stand more
improvement than the ranchers.

MR. KEVIN KOSS: I would like to go on your comment
that you just said that you guys manage the game.

(Response by Mr. Erb.)

MR. KEVIN KOSS: Is that not what you said?

(Response by Mr. Erb.)

MR. KEVIN KOSS: Well, I don't think that's
necessarily all the way true, because we are the ones that
are taking care of that land. We are going out there checking
on the cattle. If they are taking the grass down too short
in a certain area we move them. That provides good for our
cattle as well as the game that are there. We don't want
the grass to get grazed down. We got to keep up the fences
there, and also these other areas that aren't on the--on
the BLM. They don't--these animals spend most of their time
on the private land, because all the developments are made

street level to drive down the CMR. I think we need an impact
statement written up, formed up, by all the cattlemen and
all the wheat farmers and ranchers, whatever you want to
call us, and I think there should be a little bit of regula-
tions on this game that we are feeding. You take half our
grazing rights for game. Now you want the whole dang place
if this goes through and gets endangered species, and we
feed most of that game. They are in our haystocks. They
are in our crops. You can go out there and see deer and
antelope in everybody's fields that's out there, but you
don't find many on the federal right now, and you know it's
true. I think you better get somebody else to look those
cattle over and those antelope over. They run pretty good
together. They run us out--move to the next farmer, next
hay meadow, and if you have to have permits for us to go
out there and run around your BLM I think you have to have
permits for your animals to go on us, call us each time they
get hungry. We will let them in or else control them.

(Response by Mr. Erb.)

(Response by Mr. Otto.)

MR. DON HOLSHEY: I thought everybody had equal
rights in America. If you can drive on our land why can't C-3
we drive on yours? You are driving on our land when you
come out there on our roads.

(Response by Mr. Otto.)

there. If it wasn't for all the springs we have and crops
up there, alfalfa meadows--they don't go out and spend their
time on the BLM land that's sagebrush and stuff, the type
of stuff that you want to trade us for. They don't spend
their time on that. They spend their time on the best stuff
that the farmers and ranchers have, so therefore I think
it's us who are managing the game, not you guys.

(Response by Mr. Erb.)

VOICE: I would like to make a little comment on
that.

MS. PAULETTE SHORES: My name is Paulette Shores,
and, again, my husband's grandfather was one of the first
homesteaders out south, and they came there with nothing
but sagebrush. They developed that land. Those roads that
are out there--most of them were made by the homesteaders
out there going to get fence posts and et cetera. Those
deer--there were no deer when they first moved out there.
My husband's grandfather says that he can remember the first
deer that came into Phillips County. They couldn't believe
the tracks. They tracked them down to see what they were.
Now there are a lot of deer, but those deer and those elk
are being raised by those ranchers.

You are posting signs no vehicles in roads that
were built by grandfathers and fathers of the people who C-3
live out there. No off-road vehicles? I guess that's your C-5

land. You can tell us what to do with it.

(Response by Mr. Erb.)

MR. ADAM KOBS: I just want to make a comment on off-road vehicles. I live out here in South Phillips County, have been there since 1923. And I saw--this is off of the carpet, because I didn't get up to speak on prairie dogs, but I saw then when they were liberal, and I saw the free range before the Bureau of Land Management was established to take over the range, and, as this gentleman here mentioned about the total destruction, and they didn't let them retrieve, I gave an awful lot of okays for people to hunt on my private as well as the public, and I never--different people would say, well, we will walk in different areas. That was fine. I like that better than driving from one place to the other, but I said if you get game, why, you can drive in and pick then up, you don't have to pack them out, and I never saw total destruction anywhere. I saw an awful lot of tracks on the--on the public and the private both when they--and the worst that I saw on my land was when the air base was at Glasgow, and I even trucked a few of those people out when they got stuck a time or two, but I want to ask this gentleman what was--what was total destruction from retrieving game.

(Response by the BLM.)

MR. ADAM KOBS: Well, I heard this gentleman that

believe people should have to pack from anywhere on the CMR, in our area or--or any other area, and if I give a guy permission to hunt on my property I would not request him to have to pack. I have had to pay taxes for this since 19--thirty years, I believe, in Phillips County. That's all.

MR. TROY BLUNT: Troy Blunt again. I have one more question for your experts. How will the off-road vehicle travel restrictions change if the prairie dog complexes in South Phillips County become ACEC?

C-2

(Response by Mr. Erb.)

MR. TROY BLUNT: So if they become ACEC's the off-road vehicle stipulations would not change?

(Response by Mr. Erb.)

MR. KEN BLUNT: I would just like to ask for a show of hands of those people that support the idea of--of installing, reinstalling, the retrieval of game. I would just like to see a show of hands all the people that are in favor of putting game retrieval back in the plan.

(Response by Mr. Erb.)

MR. WES KOBS: As this acquisition deal has focused on gaining access, I would say that most of these off-road designations have been the closest to the CMR. Why would this be so? If you are trying to gain access, why would you close off all off-road vehicles? What good is it to gain more access?

B-4

represents Fish and Game, I guess, over there say that he--he would like to be able to go in and retrieve, and I have been familiar with the section of CMR down there and even when there was range allotment, and I can recall when it--it had quite a number of cattle that were supposed to be equal, and the last when my son had that allotment down there there are thirty-three sections on that and he is allowed sixty--sixty-one head, sixty or sixty-one head of livestock on that thirty-some sections, and that didn't--you or the Fish and Game or the--or the CMR, the Federal Fish and Game, and as for not being able to retrieve down there I don't see any reason for it, because I know how much it takes to make--to make total destruction out of anything. Prairie dogs come the closest to all the things I have ever seen. If everybody saw this one little area of grazing allotment and little area of my field in one corner in the last two years, they would have thought it was very close to total destruction, and, by the way, it takes--on a stretch of land a mile long it would take a guy driving with six-inch tires--he would have to drive eight strips up and down in order to destroy an acre, and I don't believe that anybody--wouldn't quite be an acre then if he had destroyed it completely like it was plowed, only cover a foot, takes eight and a quarter feet on a mile to make an acre, and there is an awful lot of acres in the public domain and the private, and I don't

(Response by Mr. Erb.)

MR. WES KOBS: Well, if the BLM, say, from by the Robinson School on across to Sun Prairie, the Middle Road, Regina Road, Sun Prairie Road, Content Road, most of those areas you get quite close, and I don't know of too many ranchers that--that won't let a person get across a mile or two to some BLM ground if that's where they want to hunt, because that issue is already, you know, been done with. The public has the access to hunt on BLM ground if that's what they choose to do, and basically you have to give them the access somehow, but I mean a rancher is not going to tell them to parachute in.

(Response by Mr. Erb.)

MR. WES KOBS: Well, true, but why would you want to limit the off-road, as Francis said earlier? Why would you want to isolate that area from--from, you know, from the road on south? That makes for quite a long walk into the CMR area.

C-1
C-2

(Response by Mr. Erb.)

MR. WES KOBS: Well, once again, on the access issue, 191, BLM Road, Middle, et cetera, aren't listed for that reason, totally picture. Then you come along and see that there is no--no off-road vehicles, well, starting from where?

C-2

(Response by Mr. Erb.)

MR. WES KOSS: I hope so.

(Response by Mr. Erb.)

MR. PAUL CORNWELL: I am Paul Cornwell. I am from Glasgow. My question is is a provision for the non-ambulatory handicapped still intact in the preferred alternative?

C-5

(Response by Mr. Erb.)

MR. PAUL CORNWELL: Then I go back to the enforcement question. How in the devil are you going to enforce the situation when you got handicapped people out there with the ability to travel off road in vehicles and yet you can't go off road to retrieve game?

(Response by Mr. Erb.)

MR. PAUL CORNWELL: I realize that, but there is not enough game wardens in the State of Montana, let alone in Region 6, to enforce that situation in that strip of ground between CMR and Willow Creek Road.

(Response by Mr. Erb.)

MR. PAUL CORNWELL: Then as far as the roads that will be left open in that area we were told by Terry Hueth in Glasgow before he transferred that the roads that would be left open for travel in that area would be the ones that matched up with the designated roads on CMR. Is that correct?

C-1
C-2

(Response by Mr. Erb.)

MR. PAUL CORNWELL: We were told that precisely

that's what it would be are the ones that matched up with the designated roads on CMR would be the ones that were left open for vehicle travel.

(Response by Mr. Erb.)

(Response by Mr. Fahlgren.)

MR. PAUL CORNWELL: Thanks, John.

VOICE: Who decides what roads will be left open, what roads will be closed?

C-18

(Response by Mr. Erb.)

MR. BILL FRENCH: Bill French again. I have got a question for you. I want an honest answer, Chris. You can have a little time to give it to me, but if you were going hunting a deer, wanted to go hunting, would you rather ask me to hunt on my place or would you rather ask the manager of the refuge, game, like the CMR, or something like that? Your call.

(Response by Mr. Erb.)

MR. BILL FRENCH: Well, how--I would like to go a little further. You know, like Adam Koss said, I have never turned down anybody who wanted to hunt or how they wanted to do it, how they get their game. They can take their pickup and go get it, or would you rather shoot one down in the coulee and pack that out? If you have--you have all the restrictions that your team is setting up on this off-road travel thing and retrieval of game, and one of the

things, Chris, that I really dislike about the CMR is people that built this country can't even enjoy it now, because they can't walk into that country at all, and you have got restrictions where they can't go down there and drive and the people that homesteaded, blood, guts, and tears, that built this country, with you guys and your decisions you have limited them. You have put them back in their rocking chair. They cannot go and enjoy what they worked for for years. That wasn't part of the question. That just kind of bit me. If that's your answer, Chris, that's what I want to know.

(Response by Mr. Erb.)

MR. TIM BRUCKNER: It's Tim Bruckner from Melta, and what I was wondering is about you mentioned that there will be ways during hunting season that we will be able to drive out and fence or whatever we need to do, and what I was wondering are we going to have to come to town and get a permit to go fix the fence or--or, say, if we have a cattle buyer we are going to have to go drive seventy miles and get a permit, you know? You said there would be a way to do it, but you don't have it definite.

C-3

(Response by Mr. Erb.)

MR. TIM BRUCKNER: Yes, because you said--I mean if we have to get a permit to go fix our fence for where the bulls or something knocked each other through or--if

we are faced with a year in prison, thousand-dollar fine, that seems a little steep, I think. Wouldn't it?

(Response by Mr. Erb.)

MR. TIM BRUCKNER: You know, the way that--that he said there was nothing definite.

(Response by Mr. Erb.)

MR. TIM BRUCKNER: There is nothing definite now?

(Response by Mr. Erb.)

MR. TIM BRUCKNER: It should be, because that would be kind of a nuisance, wouldn't it? I mean even if we could get a permit that would be kind of silly to have to run and get a permit to go out and look at the fence.

C-3

That's all I have.

(Response by Mr. Erb.)

MS. DIANE HOLSHEY: Yes, I have got one. Yes, this is Diane Holshey. I saw in the book there where the land that you would trade us for on the land acquisition on the mineral rights that the land that you would trade us you would keep the mineral rights on your BLM land that you traded us. Do we get to keep the land we trade you--the mineral rights on ours?

A-41

(Response by Mr. Erb.)

MS. DIANE HOLSHEY: Thank you.

(Response by Mr. Erb.)

MS. DIANE HOLSHEY: A little bit.

(Response by Mr. Erb.)
VOICE: Are you going to change the definition?
(Response by Mr. Erb.)
MR. KEVIN KOSS: Kevin Koss again. I--I have a question, first of all, for the Fish and Game guys here, first of all, how do you guys count these elk and come up with the number you think are there? I don't see any over there. Nobody here can answer that?
(Response by Mr. Erb.)
MR. RON STONEBERG: I am Ron Stoneberg with Fish and Game, but I am not responsible in this area, but we fly them. Generally an aerial survay is what we do. One thing I would mention on that elk plan to make sure you understand that. When they talk about the whole Breaks that includes the south side of the river and the north side. When they talk about increasing the elk they are talking about all the increase on the south side, so make sure you get that.
MR. KEVIN KOSS: Well, that may be fine, but I have seen those elk swim that river, so it doesn't matter where the increase is--south or north. The point is I was just going to comment on then flying to count these elk. Maybe I am getting off the subject, but, anyway, we flew, we have a plane, and we have flew around there at times just for curiosity sake wondering how many elk are on our own land tearing up the area and have seen very few, and I an

a bow hunter, so sometimes on the same day or the day after I will go in there hunting, and there will be elk running out of every little crenny in that whole area, and you guys say there is room for areas suitable for expansion of elk. Well, you guys are looking at your BLM land and saying there is room for expansion. Well, sure, there is, because all the elk are on the--on the land of private owners, because they are doing all the--all the improvements to the land, like I mentioned before, the hay ground, the farming, the water. Those elk aren't going to go out. for instance, in our pasture that contains most of our leased land from the BLM. They are not going to go out there. There is nothing out there but greasewoods, washouts, sagebrush, and hardpan. They are not going to be out there. They are up in our prime grasing land, so as far as having room for expansion there is none. The elk are expanding as far as they ever have. People talking about seeing elk as far away right next to Malta here. That's plumb ridiculous, because the population is overcrowded already.
(Response by Mr. Erb.)
MR. DON HOLEKEY: They never do anything.
MS. MICHELE KOSS: That's why you want to acquire all the private lands, so you can have all the elk yourself, you mean?
(Response by Mr. Erb.)
MS. MICHELE KOSS: Will you shoulder the burden of feeding

the elk like we do, though? That's what I don't understand. How do you propose to control all the elk if you take them to a certain part of--how do you propose to keep them in that area if you don't want then to actually expand into our own back yard?
G-1
G-2
G-8
(Response by Mr. Erb.)
MS. MICHELE KOSS: But you want to make a--set an area for then. If you are willing to set an area for them you have to set a way or some other method of controlling them, not pass the buck on to Fish and Game to control them. That doesn't--
(Response by Mr. Erb.)
MS. MICHELE KOSS: It's a problem that will actually grow rather than being a solution. all right, but we would like a solution. You see what I mean?
(Response by Mr. Erb.)
MR. WES KOSS: When a rancher proposes to run the cattle out there, if he manages the land, he is managing the cattle to make money, so if you are managing a habitat you have to manage the elk and the game, too, don't you, or else, well, then, if somebody else is managing your cattle on your land they could overgrsze it till it's--there is nothing left. If you are letting Fish and Game run elk and stuff on your land, if you din't watching over them to manage what they are doing, manage the elk also, your land is going

to take--you know, it's going to get hurt.
(Response by Mr. Erb.)
MR. WES KOSS: Well, then, on your proposal for the bighorn sheep, where is the extra grazing going to come from?
G-3
Is it going to come from out of the cattle allotment, out of the elk, or just going to shoehorn it in there and say it added no impact?
(Response by Mr. Erb.)
MS. EVA OKARART: There will be. There is livestock all over them.
(Response by Mr. Erb.)
(Response by Mr. Gronsten.)
Q-3
MS. EVA OKARART: Is that still fifty/fifty?
(Response by Mr. Gronsten.)
VOICE: I thought the rule was you take fifty percant and leave fifty percent for the wildlife.
(Response by Mr. Gronsten.)
MS. EVA OKARART: Whoopee.
(Response by Mr. Erb.)
VOICE: What makes you think they are going to
G-17
stay on that land that you have designated for those bighorn sheep? They are moving further out like everything else has.
(Response by Mr. Erb.)
G-18
MR. KEVIN KOSS: If you are leaving this management
G-4
up to the State what are you guys even doing in it?

MS. EVA OKARART: They are acquiring the land.

MR. KEVIN KOSS: We have enough trouble battling with the Fish and Game to keep the population of these animals down. You guys--you guys coming in here--are you going to acquire the land and sell it to them? Are you going to acquire it, run the elk for them? Grow some crops or something so the elk will have something to eat? Is that what you guys are going to do? G-1 G-2 G-8

(Response by Mr. Erb.)

MS. MICHELE KOSS: Why don't you practice that on your own land first?

(Response by Mr. Erb.)

MS. MICHELE KOSS: People have been screaming for years on this. You haven't tried it out. You aren't going to try to acquire more public land first if you aren't even sure it works on your own land? That makes no common sense.

MR. DON HOLSHEY: Let the Fish and Game do it.

MS. MICHELE KOSS: Fish and Game is only in charge of the animals. They are not in charge of the land. That's the BLM's property. That's their business to take care of the land.

(Response by Mr. Erb.)

MR. DON HOLSHEY: Can you define that word reintroduction? H-37

(Response by Mr. Erb.)

MR. DON HOLSHEY: You bring us one proof that he has ever been in this county before. Prove it. He has never been here. H-20

(Response by Mr. Erb.)

MR. DON HOLSHEY: I haven't seen one, stuffed one or any other kind. There never has been one here.

(Response by Mr. Gronsten.)

MR. DON HOLSHEY: They weren't brought in Phillips County.

(Response by Mr. Gronsten.)

MR. DON HOLSHEY: None of my relation or anybody I have ever talked to in South Phillips County has ever even heard of one.

(Response by Mr. Gronsten.)

MR. DON HOLSHEY: He didn't know if it was a mink or a ferret. He was a kid. There is not too much difference if you just get a glimpse.

(Response by Mr. Erb.)

MR. DON HOLSHEY: There used to be Indians there, too. Seen a lot of teepee rings. You going to introduce them?

(Response by Mr. Erb.)

MS. KIM ENKERUD: Chris, I guess I think that ACEC is a defecto wilderness. Can you further explain what ACEC is and how--why you said that they need a black-footed ferret I-1

habitat as an ACEC wilderness, just what that means? I-1

(Response by Mr. Erb.)

MS. EVA OKARART: If there are nocturnal animals, those ferrets, how are you going to know whether they are still out there or not, if they are surviving? H-38

(Response by Mr. Erb.)

VOICE: That is natural, in their natural state, collars?

(Response by Mr. Erb.)

MS. VIRGINIA KOSS: Virginia Koss, and I have spent a year or two in South Phillips County, and I remember as a child the devesteting numbers of those fat, little, yipping crestures as I rode along in the wagon over trails of South Phillips County. I, for one, do not want to see prairie dogs reintroduced in huge numbers like they were then, and I do remember the government sponsored cowboys on horseback poisoning those and nearly exterminating them from our country. For years we didn't see them, so I don't think we need them back, and in more recent, very recent, weeks I understand that the papers in Wyoming are saying that they have black-footed ferrets--more than they know what to do with down there now. They have put the electronic devices on them. They have multiplied, and now the papers are full of stories of what are we going to do with them. I remember at the last meeting you said we only needed 300 producing pairs

of ferrets to be--to take them off the endangered species list. If this is so, and the story of how they are producing in Wyoming, why then do we need so many acres in Phillips County reserved for prairie dogs? H-39

(Response by Mr. Erb.)

(Response by Mr. Gronsten.)

MS. EVA OKARART: How are you going to count them if they are nocturnal? H-38

(Response by Mr. Gronsten.)

(Response by Mr. Erb.)

(Response by Mr. Gronsten.)

MR. BILL FRENCH: Bill French again. John, right now on your best guess how are you going to put the ferret in Phillips County? As an endangered species or the experimental non-essential list? H-1

(Response by Mr. Gronsten.)

MR. BILL FRENCH: Can you guarantee anything like that?

(Response by Mr. Gronsten.)

(Response by Mr. Erb.)

MR. KEN BLUNT: Yes. In your plan you are saying BLM will comply with Section 7 consultation requirements of the Endangered Species Act. If you have a non-essential experimental population that relieves you of those Section 7 consultations. If you get that non-essential experimental H-40

H-40

designation you still intend to comply with the Section 7 consultation?

(Response by Mr. Erb.)

MR. KEN BLUNT: Well, excuse me, part of the problem of Section 7 consultation burdens you people with having to have conversation with U. S. Fish and Wildlife Service any time you want to build a reservoir or fence or anything that could in any way affect the habitat out there of the prairie dog, ferret, whatever, so, anyhow, you have had non-essential experimental population designation relieves you guys of that burden, and in here in this plan it says that you, you know, plan to go ahead with it.

Now, I am just--I guess the way it says that you will comply with the Section 7 consultation requirements of the ESA that, you know, that this non-essential would relieve you of those duties. What I am asking did you still intend to go ahead with having to sit on the U. S. Fish and Wildlife Service's door every time you want to do something.

(Response by Mr. Erb.)

H-41

MR. TIM BRUCKNER: Are you doing anything to control them now?

(Response by Mr. Erb.)

MR. TIM BRUCKNER: But you are not doing anything now. I know ten years ago on ours there that we lease there was just maybe a hundred acres of prairie dogs at the most.

H-4

And now there is two, you know, several hundred acres. What I was wondering are you going to control them at all or--or what is the plan on that?

(Response by Mr. Erb.)

MR. TIM BRUCKNER: There are two different towns there.

(Response by Mr. Erb.)

H-4

MR. TIM BRUCKNER: So far you haven't controlled any? You haven't done anything as far as decreasing them?

(Response by Mr. Erb.)

H-4

MR. TIM BRUCKNER: How big do they get before you control them? How many acres or--

(Response by Mr. Erb.)

MR. TIM BRUCKNER: What's that?

(Response by Mr. Erb.)

H-41

MR. TIM BRUCKNER: You are not going to let them get any bigger than '88?

(Response by Mr. Erb.)

H-41

MR. TIM BRUCKNER: Has that grown since '88? Have you poisoned any since '88 out there?

(Response by Mr. Erb.)

H-4

MR. TIM BRUCKNER: Uh-huh, no you are going to reduce the numbers?

(Response by Mr. Erb.)

MR. TIM BRUCKNER: Okay.

(Response by Mr. Erb.)

MR. KEN BLUNT: Ken Blunt again. I have got another question for you guys. If the reintroduction plan should be slower than it's anticipated and we are not ready to bring

H-4

ferrets in here for a few years are you guys going to go ahead with your control work and reduction to the '88 levels in the absence of the reintroduction plan?

(Response by Mr. Erb.)

MR. KEN BLUNT: Thank you.

H-7

VOICE: About how much money has been spent on this ferret study and reintroduction, and so forth?

(Response by Mr. Erb.)

VOICE: Don't you suppose it's quite a bit, all the manhours of studies, and so forth?

(Response by Mr. Erb.)

VOICE: Don't you suppose that money would be better spent on education or some other useful enterprise?

(Response by Mr. Erb.)

VOICE: Do you agree with it?

(Response by Mr. Erb.)

(Response by Mr. Miller.)

H-24

MR. KEN BLUNT: Well, I would like to say this: Fish and Wildlife Service has already said that the prairie dog level at 1988 is sufficient for them for their ferret reintroduction, so why wouldn't it be all right?

(Response by Mr. Miller.)

MR. KEN BLUNT: They have already agreed that that--

(Response by Mr. Miller.)

H-2

MS. EVA OAKBART: If they have got all the say

H-42

whether to do it or not why are you running it?

(Response by Mr. Miller.)

(Response by Mr. Erb.)

MR. DON HOLSHEY: I am Don Holshey. Then you said a minute ago you didn't have any way or means of controlling these prairie dogs. I think everybody knew Willis Kent, and he took pretty good care of those prairie dogs. And he was only one man, that was pretty cheap, and I think you are kind of putting the cart before the horse. What's your survival rate on those ferrets, and all the literature I have got, and I have got a pile of it, the best ratio they have ever had is fifty-three percent survival, and I don't know how they come up with that figure when instead it's normally ninety percent of them have died, and they were founded in Meeteetse, natural habitat, on their own. If they were meant to be here I think they would be here. I kind of think we are putting an awful lot of money to a big waste, especially when in Meeteetse the maximus acres they used was 6,000 acres on the white-tail prairie dogs, if I remember right, and every dog town you have out here--you are going around the

H-43

outside measuring it, and anybody that lives out there that

has hunted prairie dogs, ninety percent of that population is within a hundred feet of the outside perimeter of those dog towns, because they have to move out to find anything to eat, and the drier it is the more they move out, so the size of your towns is not very accurate, and as far as this elk deal, getting thicker elk out here, that's just about as crazy thing as I ever heard, because back in Yellowstone they are turning the dang wolves loose to kill them. At least that's what's going to happen, and if I was a hunter I would way sooner hunt around in Yellowstone instead of out here. At least you wouldn't get up in there so far-- you might be able to pull him downhill. You pull one out here you can't go after him. I have heard a lot of hunters say, well, if I get a big one I just take the head, I can't drive in and get him, and I don't think that's what hunting is all meant about, and I don't think America meant to waste money like this on the ferret.

H-43

I was always taught if you did something it should pay its way, and I don't really think we are going to be eating ferret. It's the biggest waste of money I ever saw, and as far as the Fish and Game having control of it that's the most most ridiculous thing I ever saw, because just anybody that's seen CRP can look at it each year. There are more roads getting mowed, less access, a bigger wasteland, and as far as being a wilderness just damn near every acre

VOICE: Chris, there is a chunk of land in the Larb Hills there, a stretch of forties. I know the owner is willing to trade. He also has some land that has probably been wetland use for you guys. Why haven't you traded that? It's a finger in the middle of 2,000 acres of deeded land, but yet you won't trade it. He is willing. It's better for his management. Yet you won't trade. Why?

A-42

(Response by Mr. Erb.)

VOICE: Four forties in a row and a fifth one up there, but that's--it's just a finger out in the middle of a chunk of 2,000 acres.

(Response by Mr. Erb.)

VOICE: Yes. Forties I asked about trading. How come you wouldn't talk to me when I asked about trading?

(Response by Mr. Erb.)

MR. KEVIN SALSBERY: The reason why you won't trade you want to trade your worst ground for some of the best of ours. If it's not in your favor you won't. If it's an even swap you won't talk. If our land is twice as good as yours even swap acre amounts. Then you will do it.

(Response by Mr. Erb.)

VOICE: I have another one, Chris. What's the-- of course, if this passes, what's the next step that we will go through? You guys pick a final plan and there is still something that we don't agree with do we have to call Ron

Y-15

of it at one time or another was homesteaded, had lots of hay meadows on Holly Flats and lots of hunting. Cattle and everything was there. There is nothing there now. I would be ashamed to work for the Fish and Game. I guess I got a little too much American blood in me.

(Response by Mr. Erb.)

MR. KEVIN SALSBERY: Kevin Salsbery. Chris, I would like to go back to the land acquisition. Is there any possibility or thoughts of the BLM going the other way and disposing of lands non-trade, for instance, to allotment holders and stuff?

A-2
A-11

(Response by Mr. Erb.)

MR. KEVIN SALSBERY: Right.

(Response by Mr. Erb.)

VOICE: From the sounds of everything that's been going on here tonight from the ranchers they don't want you to have their land. You say you are going to trade the land. They are not interested. Is this plan going to die here now or are you going to shove it down their throat?

A-9

(Response by Mr. Erb.)

VOICE: And there is no way you can force them to give up their land?

(Response by Mr. Erb.)

VOICE: Is that a promise?

(Response by Mr. Erb.)

Marlenee up or what do we have to do next before we can change it?

(Response by Mr. Erb.)

VOICE: How do you protest?

(Response by Mr. Erb.)

(Response by Mr. Majerus.)

VOICE: Final result--I mean if you have 300 people that are opposing something you want to do, and back in Washington, D. C., they decide it's resolved, that's pretty tough for all the people sitting here and want something changed.

Y-35

(Response by Mr. Erb.)

VOICE: Are you going to the landowners now to get your changes made? They are the ones that know the ground. Or are you sitting in your office and still going through your files that are probably twenty years old?

(Response by Mr. Erb.)

MR. DON HOLZhey: Does the BLM--

Y-35

VOICE: Are you going to take these comments and use them? I mean put them to use. You guys are actually the ones writing this whole plan right here in Phillips and Valley County. It's not Washington, D. C. You have the ability right now to list every meeting you have been. No doubt you have had the same discussions, getting the same input out of it. Are you going to listen to us?

Y-35

Y-28

Y-6

Q-7

(Response by Mr. Erb.)

VOICE: Is there anything we said at the meeting at the Armory change any of your minds on anything?

(Response by Mr. Erb.)

VOICE: They were recorded up there?

(Response by Mr. Erb.)

MR. DON HOLSHEY: Don Holshey. Is it your intent no matter what happens here to keep the multiple use number one?

(Response by Mr. Erb.)

MR. DON HOLSHEY: The reason I was wondering if you want to expand all these elk and deer and whatever, sounds like the Fish and Game has upper hand and the say over you, but the more you get--who is feeding them in the winter? They are not out on the BLM. They are not even staying down on the CMR. They are staying on the deeded land. They go to the good feed.

(Response by Mr. Erb.)

MS. EVA OKARART: Why don't you up some of the AUM's that you took away from a lot of them there?

(Response by Mr. Erb.)

MS. EVA OKARART: Yes.

(Response by Mr. Erb.)

MS. EVA OKARART: Well, if the forage is available for the wildlife.

O-4

areas made to look the best for the plan the way they wanted it, and I really think these numbers had better be reviewed and stuff, because they don't reflect the true picture. A good example is the Big Sand up here and how much money it's going to generate, et cetera. There is no way you can generate that much money by just tourism in the end. I mean there are a lot of inaccuracies in it, and I feel it really deserves a review.

(Response by Mr. Erb.)

VOICE: One last comment here. Several years ago we were having a meeting at the First Creek Hall. Gene Miller made a comment to the group there, and I think it pertained to everything that we are talking about here tonight. He said in reference to prairie dogs at that time, but he said don't trust us. Make us put it in writing. That's all I am asking you. Put it in writing. Give us something we can live with.

(Response by Mr. Erb.)

MS. MICHELE KOSS: Michele Koss. I think that's one thing we need to--I have been in the banking industry and stuff. One of the things we have always taught is cover your own anatony. There is a problem here I see with a lot of issues like with numbers and facts and things that you guys said that you have pulled up that when we ask you questions about it we don't seem to get any actual facts

(Response by Mr. Erb.)

MS. EVA OKARART: There have been cattle there for years.

(Response by Mr. Erb.)

MS. EVA OKARART: Is that on the CMR?

(Response by Mr. Erb.

VOICE: What about that north of Burnt Lodge? How far north of Burnt Lodge?

(Response by Mr. Erb.)

VOICE: Yes, for sheep, whatever.

(Response by Mr. Erb.)

VOICE: Iron Stake, whatever, how far from Iron Stake?

(Response by Mr. Erb.)

MR. KEVIN KOSS: You can't say the sheep aren't going to affect them because there are already sheep out of the habitat they expected them to be in.

(Response by Mr. Erb.)

MS. VICKI OLSON: Yes, Vicki Olson. My concern is on the economic projection, and I would really urge some review and stuff on this because quite a few of us have gone over the economic, and they are all projected, and the higher number like in the acquisition the higher numbers are used to project one way and the lower numbers like the 166 is used--one will go the other way, so they were really in many

separated. The right hand doesn't know what the left hand is doing, you know. One of the things I find is very difficult to understand coming from out of this community--I am not really from Malta. My folks are from Malta--but is that whenever we try to find out any information no one will give us exact answers, exact facts, exactly where they got anything from, and it's just a bunch of bureaucracy. I don't understand it, and I don't want to be somebody who is ignorant of everything that is going on. I want to be able to walk in and have the answers laid out right in front of me so that I can understand it, and I am almost sure there are a lot of people here who would also like to have the facts. I would like for you people to get your people more organized and trained more properly to take down what we have learned from people in writing saying we talked to so and so. That doesn't give me an answer.

(Response by Mr. Erb.)

MS. MICHELE KOSS: I hope so.

(Response by Mr. Erb.)

MR. MUNCIE TAYLOR: I am Muncie Taylor. I am from Glasgow again. I was to a meeting several years ago about our power line being changed from Fort Peck to wherever it went--

(Response by Mr. Erb.)

MR. MUNCIE TAYLOR: --and I didn't believe that

these meetings could actually grow into anything, but, by golly, we wrote the equivalent of our book here that we have and that come back and six months from now or a year they did the update on it. Now, we got our deadline as of--it's been pushed back to December 15th I believe it is for comment. This is going to put it in there the next step from that-- if I am the only one that's objecting to this particular deal I got to go to Washington for it. On that deal, on the power line, we come back to the meeting we did; I had to change that silly power line about four times before they got it off of my land and out of the way of my airplanes and stuff, but we did get it. I think it's kind of ridiculous that we are having all these meetings which is a waste of time because you guys have said it dozens of times. This is the way and this is the way it's going to end up is what the equivalent of what you said. I remember, Chris, you said it's our land. It's BLM. We are going to do what we are told to do with it, and that's it. What you said at the first meeting I went to was that. Why do we--hey, I am from Glasgow. It's only seventy-five miles, how many miles we put on to come to these silly meetings, and we are not going to get change on that. Very little change is going to be in that thing. Very, very little change is going to be note of anything, because it's in the plan. We have decided it already. Why not really bring it back when you

Y-15

Y-15 get this final thing? Then let's have something so we can iron it out here instead of each individual going to Washington or something and we haven't got a Chinaman's chance. We are just like the Indians back in Custer's day. Only we don't know where to find Custer because you have all disappeared. He got what he needed. We won't get it.

(Response by Mr. Erb.)

MR. MUNCIE TAYLOR: You are wearing the uniform, men. You are promoting this thing. These other guys are promoting it. Are you going to be wearing your uniform when we meet Custer?

(Response by Mr. Erb.)

(Closing by Mr. Dave Mari.)

(The public hearing was then concluded at the hour of 11:05 p.m., this 1st day of October, 1991.)

C E R T I F I C A T E

I, Harry G. Rauch, a Certified Shorthand Reporter, a Registered Professional Reporter, a District Court Reporter, and a Notary Public in and for the State of Montana, do hereby certify that I took down in stenotype the proceedings had on the subject Hearing at the time and place hereinbefore set forth and that the foregoing ninety (90) pages constitute a full transcription of the testimony given by the public at said proceedings.

Dated this 13th day of October, 1991.

Harry G. Rauch
Certified Shorthand Reporter,
Registered Professional Reporter,
District Court Reporter
and
Notary Public

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LEWISTOWN, MONTANA

IN THE MATTER OF A PUBLIC HEARING - JUDITH VALLEY-PHILLIPS RESOURCE MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT.	)))))	TRANSCRIPT OF PROCEEDINGS

Wednesday, October 2, 1991
7:10 p.m.
Fergus High School
Lewistown, Montana

APPEARANCES:

DAVE MARI, presiding

CHUCK OTTO

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I am also very concerned about the precedent that would be set by withdrawing a scenic-view-shed area. I, like anybody else, wants to have a nice place to live and don't disagree with that. However, I think the scenic view shed can be used to stop mining without any chance of the company being able to respond to it or having a chance to develop something that could benefit the community economically.

That's all I have. Thank you.

MR. GRINDE: Mr. Otto, I defer to the question part of the session, if I might, and I will have a statement then.

MR. MACHLER: My name is Hal Machler. I am from Lewistown.

I oppose this plan on principle. The disposal of certain portions is great, but the further acquisition of lands, private lands, by the BLM or any other government entity is I think really bad for our whole economy and system. This can only take ground away from the county's tax base because of the 600,000 to 100,000 ratio. It limits what can be done with our natural resources. Any more than that I just oppose this plan on principle.

A-6
A-11

MR. CASBEN: My name is Mike Casben. I am a resident of Lewistown. I work at C. H. Kendall. I prepared some remarks. I thought I would read them so I don't lose

3

PROCEEDINGS

(Opening by Mr. Dave Mari.)

(Formal statements monitored by Mr. Chuck Otto.)

MR. RYAN: My name is Kevin Ryan, and I am a resident of Lewistown and an employee at the Kendall Mine. I will make a short statement that I have--can you hear me? Can you hear me now? All right. I will start over again. My name is Kevin Ryan. I am a resident of Lewistown, an employee at the Kendall Mine. I will make just some short comments.

I have reviewed the JVPRMP fairly extensively and have a lot of concerns about it and will address those in a letter. However, my major concern is the preferred alternative for the Judith Mountain and South Moccasin scenic area as an ACEC. It would--essentially would draw 4,566 acres from mineral entry.

J-10

I think that the BLM under the NEPA regulation is able to monitor mining using visual resources as a criteria and that this is just an unneeded and unnecessary step to take.

In the EIS it's admitted that it's very difficult to assess the economic impact from withdrawing this area, and I think that would need to be looked at a little closer. If we were allowed to do individual projects based on their own merits we would be much better off.

5

my place.

I entitled this "Why Alternative E?". The BLM has chosen to pursue Alternative E, the most restrictive and costly alternative formulated in the JVPRMP. I oppose this course of action for a number of reasons.

First, I see this as a continuation of the massive trend of removing lands from productive use. Since the 1960's the Federal Government has locked up 97,000,000 acres of land in wilderness, scenic and other designations, that effectively reduce the land to a single one--recreation. This represents untold potential for wealth generation that is lost to us, to our children, and to succeeding generations. The number of acres removed from productive use in this manner continues to increase. In light of this, why not choose--why choose the alternative that ties up the most land? Why not buck the trend and develop an alternative that would dispose of federal lands?

A-2
A-11

Secondly, the cost of acquiring and administering the 631,719 acres in Alternative E would be an additional burden on the taxpayers of the United States. In this day and age of burgeoning federal deficits, why does the BLM choose the management plan that will cost the most? At the previous meeting on the JVPRMP held in Lewistown, Mr. Gene Miller of the BLM stated that, in part, the choice of Alternative E would allow more efficient management of the

Y-16

BLM's checkerboard--checkerboard holdings. A much more economical solution to this problem would be to dispose of these troublesome properties. That would ease the BLM's burden and insure productive use of the lands in question. The land-sale revenues would, of course, go towards reducing the federal deficit.

Finally, the designation of areas that have good mineral potential as ACEC's must be based on the erroneous assumption that mineral development and aesthetic and environmental values are completely incompatible. This assumption is highly prejudicial and unfair to all the people of this area who would benefit from such development. Designation as an ACEC effectively removes an area from practical consideration for mining. Why choose such a restrictive course of action? Why not back off and let developing projects be considered on a case-by-case basis? J-10

In summary, I believe that the course chosen by the BLM is a continuation of a harmful trend for the country. I would like to propose that the BLM develop a sixth alternative, one that shrinks the size of its holdings in the JVP management area instead of increasing them. A-2 A-11

Thank you very much.

MR. FINK: My name is Bob Fink. I am sixty years old. I have lived here all my life, and this resource management plan appears to be a land grab as the BLM has unlimited

Our main concern regarding this document is the land withdrawals that--that would seem to be unprecedented particularly in the administrative fashion in which--in which the BLM intends to conduct these withdrawals. We feel that this would set a precedent not only--not only in this area but--but state wide.

For example, if an area is going to be withdrawn from mining simply because it can be seen from Lewistown, and this area incidentally is very highly mineralized, what's going to happen to Cooks City, where one of the major gold discoveries of this decade has been made, or in Whitehall, where a mine currently is operating producing more than 100,000 ounces of gold a year and employing 125,000 people? Just to simply withdraw land and in this case administratively withdraw land without any Congressional action is simply a cop-out for management, in our opinion. J-10

We in the mining industry face where-to withdrawals now, Forest Service wilderness. We face future Bureau of Land Management withdrawals as that issue in Congress. We face other administrative withdrawals besides those posed in this document, and we face future, probably future, withdrawals as adjustments, and we hope they are only adjustments that are made to the federal mining law, so we take all the land that's been here administratively or--or Congressionally withdrawn either as wilderness or because--because it's being

funds. They can buy 500,000 acres and perhaps write a bum check that won't bounce.

The black-footed ferret made his demise at the hands of the government trapper, not the farmers or ranchers. The few survivors are found on a ranch property in Wyoming. I, for one, would like to see the black-footed ferret survive, but the BLM has many prairie dog towns ranging from small to large. Additional land purchase is not necessary.

The magic word today is riparian, and the BLM wants to manage our riparian. To do this they must manage our streams. We do not need a bureaucracy managing our streams.

In the past the BLM has drilled wells in the coulee bottoms and forced the cattle to destroy the riparian. I give you Fargo Coulee as an example. They also are draining our aquifer to fill fishing ponds.

The BLM does not obey our State water laws or they wouldn't do this. I give you Frazer Dam Coulee as an example. A depleted aquifer will haunt future generations.

The BLM has 1.9 million acres of LU land purchased under the Bankhead Jones Act and millions of public domain land, and they still want more. To this I say enough already.

MR. LANGLEY: For the record, my name is Gary Langley. I am executive director of the Montana Mining Association.

studied for wilderness--we are looking at almost 12,000,000 acres of land in Montana that--that is being withdrawn from--from mineral entry. Now, that's--that's an area the size of some--some eastern states and some foreign countries, as a matter of fact, so we feel this is simply--simply too subjective.

The other--the other point I would like to make, and I am going to submit some formal comments by December 15th, but I would like to address the economics just for a moment. It seems to me that you are using either outdated or very inaccurate information in your--in your economics section. You say that the--this document would affect approximately $500,000 in mineral values, but yet when C. H. Kendall went into operation they produced 21,000,000 in mining values in 1991 alone, so I think before we start talking economics maybe we had better take a look and update that section a little bit. J-34

The other question I have, and I guess I would just like to know, because someone at the table asked me, because economics is one of the--one of the issues that's been raised in this document, how many people here are interested specifically in mining in this area? Could you stand up? Thank you. So I really think that before the BLM tampers with this document any more it probably should update its economic values.

F-16

The other inaccuracy that I feel that either exists in the document or is subject to challenge is--is--is where it would withdrew approximately 3500 miles of river as wetland for wetland considerations. Now, the question is this document was written before President Bush issued his new criteria, so you are basing your document on an old manual that will be outdated by another one that will be issued sometime in 1991 and therefore withdrawing more land than you should under--under what the president has--has given as his criteria as wetland management, so I think you probably should--should relook at that--at that section, because new criteria has been released since this document was--was issued.

When you are dealing with--with minerals you are dealing with something you can't see. You are dealing with something that you can only--only really develop where you find it, and I don't think you have really been very careful in what you have done as far as withdrawing very-highly-mineralized land from mineral entry. Where you would withdraw land simply because it might be a habitat for black-footed ferret--you are looking at your watch; you want me to quit--production of cutthroat trout which really aren't an endangered species at all or threatened in any way, so I think we in the mining industry are concerned about a clean environment and are concerned about wide land use, but I

like me. I have been in the mining business for twenty years.

I reviewed the BLM's Draft Judith Valley-Phillips Management Plan EIS dated July, 1991. This is a rather lengthy, complicated document that takes a great deal of time and patience to study. It's unfortunate that something that affects the common man like us is almost beyond our reach to get into. I know that you BLM folks have been given a job to do and you have to make your best effort at it. I hope you listen to the general public here and not to the overpowering out-of-town or out-of-state anti-development special-interest groups.

Although I am concerned with all nine issues presented in the Draft EIS, I am particularly concerned with three--hard-rock mining, the South Moccasin and Judith Mountain scenic area, and Collar Gulch, and to save a little time I am going to skip one of those here and it will be in the written statement.

As anyone who has reviewed this EIS knows, each issue has five alternative plans discussed and presented for selection. The BLM has chosen their preferred alternative. In each case that is Alternative E. To me, the E stands for eliminate development and opportunity.

The South Moccasin and Judith Mountain scenic area--this area has apparently been chosen as an area of critical environmental concern because in someone's view it is

really think that this document is not the way to go into it, and I hope that the impacts on the economy and the precedence that it will set are just too overwhelming for you to adopt it the way it's written, and I hope you will revisit the document before you make any final consideration.

Thank you.

MR. HELLER: I am Jim Heller, and I represent the Winifred Tavern. NO, not really. I didn't expect to come to this meeting tonight, wasn't dressed very good, but I just wanted to say that I am just a simple man, just a worker, and that I support--you know, I like the wildlife. I like everything about it, and, you know, we need that, but we are a species, too, and I think that it's important for us to work and make a living for our family, that I am just opposed to the BLM deal. I don't maybe know all there is to know about it, but I know that--that anything that takes away jobs is not good.

Thank you.

MS. HANLEY: I hate to do this to you guys, but I am going to have to read this, because we want to move it along.

My name is Jerry Hanley. I was born and raised in Lewistown and Malden areas. My heritage is from a mining background, and I intend to preserve that heritage and those opportunities for my children and their children and others

visually undisturbed and it contains a large block of public lands. Excuse me. They call that BLM land. I thought it was public lands. What this amounts to is a view of the South Moccasins and the Judith Mountains from the Lewistown area and the highways coming into Lewistown would remain unchanged. The EIS proposes that, quote, "This area would be managed to protect the visual resources from surface-disturbing activities." This type of management would mean the end of timber and mining developments and many possible recreational developments in that area.

On Page 332 you recognize that the general nature of the restrictions could and probably would make some mining projects unfeasible. You state that ten exploration projects and two potential surface mines could be foregone in the South Moccasin and Judith Mountain scenic area.

Page 231 states that this would have an unavoidable adverse impact on some hard-rock mining development opportunities.

Page 213 it states that positive economic effects and tax revenue to Fergus County would be lost but that some revenues might be regained by recreational use. You go on to say you don't know how the recreational-use income would compare with the development, the resource-development income. I can assure you that the resource-development income will far outweigh the recreational. After all, this is a look-

but-don't-touch management, and just how much money can somebody spend viewing an area of critical environmental concern? How do you propose to visually protect all of the private lands adjoining and surrounding these public lands? How do you remove the present view of the old Hanover open-cut loosted on the end of the South Moccasin Mountains or the view of the surface mining activity in the North Moccasins or the new transmission tower located between Lewistown and Limekiln Gulch? That's in the view. There is a logging--logged-off area in the southwest foothills of the Judiths and the logged areas on the east side of the South Moccasins. These are part of the view. They are there. This view doesn't seem to bother the folks that live around here. This is not a wilderness area, not even close. Don't try and make it a poor excuse of one.

J-10
J-11

To move on to the Collar Gulch issue, the EIS proposes to designate this another area of critical environmental concern. I understand there are three factors involved --the Tate Poetter Cave--I am not sure of my pronunciation on that--the existing BLM Collar Gulch Trail, and the fish inhabiting Collar Creek.

I have never been to the Tate Poetter Cave, but I do know of many caves in the Judiths. Most of these are accessible from underground mine workings and are quite impressive. Caves are quite common in the limestone forma-

tions around here. I look forward to looking at the Tate Poetter Cave. I only hope that by the time I get there that it isn't secured with a Government padlock.

The Collar Gulch Trail is a nice trail, and I compliment the BLM on it. It's a simple trail and could easily be relocated if it conflicted with some type of development or the development could possibly work around the trail. Isn't it funny how we can walk along a trail past an old mine or ruins or an old tin-can dump and say, gee, that's neat, got the camera, but yet to look at a new mining operation or development that's supposed to be unsightly or undesirable? I don't understand it.

The fish--the fish are a west-slope cutthroat trout and are classified as a Montana State species of special concern--a tongue twister. They are not an endangered species in any way. I say that you guys are standing in front of a room full of Montana State species of special concern. As the working men and women of this country, we are the endangered species because of proposals like this EIS.

Getting back to the fish, to my best knowledge, the fish were planted in the creek in 1940. Collar Gulch is protected by our state's stringent water quality and non-degradation policies. Why do we need more restraints?

M-1

The BLM has proposed to designate 1,618 acres as ACEC, withdraw their mineral acres, probably suspend existing

mining claims that are already there and attempt to purchase private-owned lands in the gulch.

On Page 231 of the EIS you state that withdrawing the Collar Gulch ACEC would have an unavoidable adverse impact on hard-rock mineral development opportunities.

Page 135 says that high mineral potential and productive forest lands are acknowledged within the gulch. How can you take that away from us?

M-1

The Tail Holt Mine, located on the southwest slope of Collar Gulch, was developed by my grandfather, Mr. George Wiegleda, in the late Twenties and early Thirties. My family held the claim and maintained it for some years. Right now a group of local men have the mine. They have been working it. It's got good potential. Your proposal was written into that.

He has given me the get-going here, so we are going to have to skip some stuff here.

Collar Gulch is mineral country. There is no doubt about that. There are minerals there. There were minerals produced in the past. This is important.

You propose to purchase forty acres of patented mining claims in the gulch. I can save you some time and effort right now. I and my family own a portion of that ground, and we have absolutely no intentions of selling that mineral property. I fully intend to investigate the potential

of it, hopefully develop and mine it someday, and I hope you people don't take that opportunity away from me or my kids or their kids. You don't have the right to.

The management of the Collar Gulch should remain as it is.

In closing, I would like to point to Page 148 of the EIS which says economics and related problems are cited by residents as the major problem facing Lewistown. The specific concerns were poor economy and lack of jobs and youth leaving the area because there is no work. Nowhere in the EIS could I find any public statements requesting the BLM management tactic that would stand in the way of development opportunities.

I am knowledgeable and well aware of the positive economic and social impacts that mining's had in this area for a hundred years. In the last four years there has been $30,000,000 spent on the small, underground operations here. It certainly doesn't show that in the EIS. I hope that there is other people here that will back up some of these numbers and maybe present them.

E-11

It's in black and white, specifically on Page 218 and 219, that the BLM's preferred proposals presented in this Draft EIS could diminish potential economic and social support for this small community. How can such a proposal even be considered?

E-21

Please don't attempt to take away our need, our hopes, and our rights to better ourselves and our families in our own environment in our own community.

Thank you.

MR. IVERSON: My name is Lee Iverson. I am from Winnett. I am a rancher in the northern part of Petroleum County.

Q-7 Livestock grazing is the single greatest user of public lands in this planning area. Why isn't there a picture of the cow on the front of the cover?

The tax base of Petroleum County is small. There should be more emphasis on disposable of public land to put it on the tax rolls and less on acquisition. This plan identifies entirely too many acres for acquisition. Those lands so identified will be on record as subject to acquisition from now on.

The BLM has no more ability to manage these lands than the private owners. The permittee needs to have some input into the management of riparian areas. He is going to have to live with it from now on, and it will be a whole lot easier for everyone if all can agree on the best management.

Thank you.

MR. DESCHESNAEKER: I am Larry Deschesnaeker. I ranch in Fergus County. I am also a director of the Montana

first be given to population management of wildlife. Even though the State of Montana is responsible for population control, very little has been done to address this problem. G-4 The BLM needs to sit down with the State and determine realistic population goals and habitat objectives. At the present time, the sky seems to be the limit.

A-29 The preferred alternative states a reduction of 2591 cattle. This reduction will have a negative effect on not only the ranchers themselves but on the economies of the local towns. The BLM must realize the ranching industry is a constant and stable aspect of these counties. Any reduction in livestock AUM's or the removal of private land from production will only hurt the people who have managed both public and private lands and who have improved the condition of these range lands according to the BLM.

Z-2 We also understand that maps identifying lands are incorrect. This needs to be corrected.

It is stated that any acquisition that will be on a willing-party basis. It is stated that any acquisition A-9 will be on a willing-party basis. However, condemnation by the Federal Government has been used in the past. Will it be an alternative in this RMP for acquisition?

A-3 In regard to the private lands identified for A-7 acquisition, who identified the acreage, and were the private landowners involved in this process? If not, this is a

Stockgrowers, and I am giving these comments on behalf of the Montana Stockgrowers Association, the Montana Public Lands Council, and the Montana Association of State Grazing Districts, and I will tell you right now, Chuck, I am representing the thoughts and comments of a lot of responsible people from around the state, and I am going to use my five minutes, but I will get through it as quickly as I can.

Issue No. 1--the issue of land acquisition and disposal. This issue needs to be explained and presented more clearly in this RMP. Many of our members are concerned with the amount of highly-productive and private land identified that meets acquisition criteria versus marginal BLM acreage available for exchange. While it has been explained that the acquisition and disposal process will be between willing parties and the large amount of private acreage identified is due to the possibility of a lack of willing parties, there is concern over BLM's real objective in identifying such a large amount of acreage for possible acquisition.

We realize that there is a growing public interest in having the Government own more land. However, BLM A-11 director, Cy Jamison, has the policy of no net gain of federal lands. Any acquisition plan must comply with this policy.

We are very concerned with any proposal for more land acquisition for elk habitat when consideration should

terrible abuse of private landowners and their private property rights. Were outside groups involved in lands being A-3 identified? If so, who were they? A-7

Management of BLM lands is very important. Many times we hear the concern raised by the BLM as to lack of manpower and finances to keep up with lands and programs presently operating. Acquiring more lands and developing more management options, which need more manpower and money, will not decrease this concern. It will only require more and more taxpayer dollars.

We are also concerned with ranching operations being disrupted if a party, who is in another part of the county or who is not a permittee, trades private land for BLM land within another rancher's allotment. If the land- A-7 owner indicates by December 15th that he is not willing to A-11 sell or trade, the record of decision should not include these acreages.

Issue No. 2--access to BLM land. The Bureau needs to monitor this proposal very closely. When more roads are established, there are more costs associated with management and maintenance. The BLM will need monetary resources which may lead to the possibility of taking funding from other projects.

Increased access could also lead to more weeds spreading and game displacement and disturbance of other uses

of the resource.

These questions should be asked: 1. Are there any other roads where access is already available? and, 2. Will additional access actually benefit the resource? B-7

Issue No. 3--off-road vehicles. Off-road vehicle use, as well as access to BLM land, should be handled on a case-by-case, area-by-area basis. Meeting and working out a solution through communication and cooperation is the best way to settle these problems instead of a blanket policy.

Issue No. 4--riparian and wetland management of watersheds. We appreciate that livestock grazing will be used as a tool to meet the objectives of riparian and wetlands. We would caution, however, that the definition of wetlands has not been determined and it is still being discussed among many agencies, organizations, and people. The BLM and the livestock operator must work closely together when developing a management plan in this area.

Several places it is mentioned livestock forage allocations would be granted on newly-acquired land if they are compatible with wetland management objectives. It has been documented that properly-managed livestock can help manage the forage and we would encourage the use of livestock in these areas to help with wetland management.

We feel the BLM should look closely at the logic of excluding herbicides and prescribed fires in the wetlands F-20

any assurance that what the BLM is trying to protect, the bats, will not have so much public attention drawn to it that the bats will be driven away? It appears special interest groups have had an inordinate amount of input in identifying these ACEC's.

We would like to thank the BLM for this opportunity to comment.

MR. WILLMORE: I am Warren Willmore. I represent the Indian Grazing District and the Square Butte Grazing Association in South Phillips County.

The Bankhead Jones Act has been mentioned here tonight. I want to say a few words about it. In the Thirties and the drought the Bankhead Jones Act bought a lot of outlying ranches. Their policy was that we in these grazing districts and private guys that we had to lease that land for livestock use to make a fair tax base for your counties. The Bankhead Jones Act increased the grazing preferences on quite a few ranches for that purpose. That law is just like our homestead law. If we cut that it would be just the same as we take you people that were homesteaded we just take part of it--that's the same principle as this deal--cut grazing on that land. BLM administers that land now. Soil Conservation Service administered it for about fifteen years. BLM has administration of the Bankhead Jones Act, but your Bankhead Jones Act was definitely to run livestock

complex. Some form of weed control will be needed, because weeds will eventually grow. When and if noxious weeds occur, the BLM should be required to control them as is everyone else in Montana.

Issue No. 7--elk and bighorn sheep management. As was stated previously, in regard to elk management, the first criteria should be population management of wildlife. It is premature to discuss habitat until population limits have been identified.

Issue No. 8--prairie dog and black-footed ferret management. Many questions need to be answered before we can even consider supporting this issue. Questions such as funding, establishment of non-essential experimental population of ferret, prairie dog control, the assurance of private property rights protection, the assurance of the continuation of livestock grazing, and range improvements to provide more forage to keep the livestock AUM's constant.

In addition, the law requires an economic and social analysis to be completed when critical habitat is identified for a threatened and endangered species. To our knowledge, we do not know of such analysis.

Issue No. 10--ACEC's, areas of critical environmental concern. It is our opinion the designation of these areas is the creation of defacto wilderness. In regard to the Azure Cave ACEC, if this area is advertised is there

for people to use that land to support their tax base and their schools, and it appears like now they have power to cut it.

Also the Constitution of the United States says the United States is not the--government is not supposed to own land, so they are going against the original Constitution that we come under, so they are--the law--I am beginning to think that laws don't mean nothing. It's what you use today.

Thank you.

MR. SHAMMEL: My name is Alan Shammel. I am president of the Fergus County Farm Bureau, and I am speaking tonight for that organization. I am going to be real short.

I would like to read you three of our policies which I believe pertain to this document. "We are opposed to further private land acquisition by the State and Federal Government unless it sells or trades land of equal value within the area involved.

"We support the concept of private ownership of federal lands.

"We oppose any action that infringes on an individual's right to own and manage private property, including stream beds, stream banks, mineral rights, and adjacent private lands. Any erosion of that right weakens all the other rights guaranteed to individuals by the Constitution."

As you can see, we have some serious problems with this plan. Alternative A is the only one which we can accept at all and that one with reservations. It's the opinion of our organization that the rights of the private property owners whose land has been targeted for acquisition have been violated.

MR. BROWN: I am Mike Brown. I am a native here. I was born and raised here in Lewistown. Jerry Hanley has pretty much covered my areas of concern, but I would like to restate some of the things he has mentioned concerning these areas of critical environmental concern.

They are using this trout issue to try to take mineral claims away from--away from us up there on one of the groups that Jerry mentioned that has control of the Tail Holt Mine Dick's grandfather opened. We have located and proven several thousand tons of high-grade ore in that area, and I think this proposal is going to take the opportunity for us to better ourselves away from us.

M-18 This trout that they are calling a native trout is not a native trout at all. It was planted in there in the Forties by Waldo Bagnet, a game warden from this area, and I have got this information from several old-timers from around the community, and I just--I really think that we have to stick with Alternative A all the way through on this thing. If--if we don't they are going to take everything

away from us.

MR. GROY: I will decline my statement.

MR. FLENDERS: What I was going to say has been said better than I could say it, so I will pass.

MR. PHILLIPS: My name is Dave Phillips. I serve as the Fergus County extension agent for Montana State University, and currently I am the president of the Lewistown area Chamber of Commerce. On behalf of the Chamber of Commerce, I offer this statement in response to the Judith Valley-Phillips Resource Management Plan and Environmental Impact Statement.

We encourage the Bureau of Land Management to continue to administer federal lands in accordance with sound principles of multiple use which recognize and honor the rights of private landowners and private land ownership. Those rights are among the keystones of the founding principles of this country.

We further believe in economic stability and sound environmental stewardship for our Central Montana area and believe that both are possible along with private land ownership.

In addition to this brief statement, the Chamber of Commerce will be submitting a more-complete written statement and encourage all others concerned to do the same.

Thank you.

MS. WICKS: Thank you. I am Joy Wicks, and I have--we are the Wick Ranch Corporation. We live in the South Moccasins.

The ACEC side, that--all right. ACEC designation was given to the South Moccasin area without consulting with the people involved and without an explanation of what the designation means. We find this repugnant and traumatic. I resent the trauma caused by the implied--the implication of condemnation.

Access has never been denied to those who call ahead unless they are--there are too many hunting in the area at a given time or fire danger is high. We feel no BLM right-of-way could serve the public as well as they are served at present.

Elk habitat. We have enough damage from deer, and they at least jump the fences. The South Moccasins are too small an area for more elk. No way would they stay on the BLM land which has no water. Any viable elk habitat would require acquisition.

A-11 No. 4. Acquisition. We will not sell or trade land to the BLM but would willingly buy their problem areas. We believe the management abilities of private landowners. No one else has a greater incentive for success. We have a great example in the Soviet Union at the moment. There are ways to encourage desirable land use by education and

leadership rather than government ownership. Multiple use can best be achieved as well with private lands as with government ownership. Therefore the only acceptable alterna-
A-11 tive would be a new one, F. Do nothing further but take
A-2 care of your present holdings and sell those that are unmanageable or isolated.

Thank you.

MR. WICKS: I am Joe Wicks, and these are comments that were written from a local landowners' meeting in the South Moccasin Mountains.

The South Moccasin landowners object to having the South Moccasin Mountains be considered as an ACEC for J-1 the following reasons: The three parcels of BLM land, approximately 1200 acres, are not a large-enough contiguous area to achieve its purpose as an ACEC.

The vast majority of the land area that is seen by Lewistown is privately owned.

The present system has been working for years and the land is in demonstrably better condition than years ago. After all, our livelihood is directly affected if the land's ability to produce is hurt.

As to land acquisition as proposed, we oppose it for the following reasons: Local landowners' land value would be devalued because of the threat of land condemnation.

We believe that public ownership does not mean

better land use or land husbandry.

A-11 None of the affected landowners in the South Moccasins wish to sell to the BLM.

Grazing would be reduced.

The loss of tax revenue to the county caused by land acquisition and the corresponding reduction of cattle numbers is not adequately recovered by PILT.

Land use management that are considered desirable--recreation, timber management, mining, and so forth, can be influenced by education, incentives, and other means rather than public ownership of land. The most-efficient land use has been achieved through private land ownership. Russia is a prime example of the disaster of government ownership.

Concerning proposed access, there is no legal public access now and we feel that in in the best long-term interest of the public as well as ourselves. We seldom deny access now but sometimes we do limit it. Too many hunters in an area, high fire danger, erosion, spread of noxious weeds, and so forth, are good reasons to limit access. We feel that public ownership would not address those problems adequately.

G-4 Concerning elk habitat, factors such as no water, steep slope, thick timber on present BLM land, contribute to making the South Moccasin area unsuitable for Elk habitat; therefore, the elk will inevitably be on private land, and

it won't be the BLM or the Fish and Game who fixes the fences, provides the feed, and puts up with the various inconveniences of harvesting the game.

Therefore, the landowners of the South Moccasin Mountains request that the BLM abide by their own statement on Page 5, Paragraph 4, in the second column, which states, "Decisions involving acquisition and disposal will consider the effect on employment, personal income, business activity, and social well-being, benefits against the cost of acquisition or disposal, and the net gain in county revenues when comparing property taxes with payment-in lieu of taxes." We believe that if the above is seriously considered the BLM will dispose of its holdings in the South Moccasin Mountains or at the very least not change the present management policy.

Thank you.

MR. PETERS: My name is Tom Peters, and I am from Hilger, Montana. I will make my speech short to save time.

My grandparents came up from Missouri in the 1920's and homesteaded right by the Hilger Mine, and my aunts and uncles now own the land, and they have got nothing but good to say about the mine.

In the early 1980's I used to live in Hilger and I used to look up at the mine and I used to hope that someday I would be able to work up there. Well, it's a dream come

true.

Thank you.

MR. HAUPTMAN: My name is Chuck Hauptman. I am an independent geologist out of Billings, Montana.

In the first place, this RMP discussed nine issues, just nine. Is that enough? Well, it certainly is not. There are many, many more. The laws of the United States and the BLM's own published mandates and regulations require much more in the resource management plan.

Y-19 For example, any consideration of a resource management plan by the BLM requires that they consider any land-use planning available in the county or counties that's being affected. So far I haven't seen in this document a blessed thing that refers to anything having to do with the county or county planning.

The county has the--has the right to plan for industries necessary to sustain the county, including livestock grazing, minerals, oil and gas development, mining, timber production, recreation, hunting, scenic enjoyment, and so forth. In addition, the county can consider multiple-use and sustained-yield mandates as well as environmental considerations and grant the opportunity for public consideration.

The fourth--BLM's plans and regulations require that federal land use plans analyse and plan for coordination

and consistency with adjacent land use plans. Now, 'consistency means having agreement with itself or something else accordant, harmonious, congruous--congruous, compatible, not contradictory. I think you read a lot of this stuff in this present RMP. You see that that doesn't apply.

Coordination means--includes equal, of the same rank or order of degree of importance, not subordinate. I am talking about county versus what the BLM does in your own county.

BLM regulations also state that the guidance and resource management plans and amendments to management framework plans shall be consistent with officially-approved or adopted resource-related plans of the county and policies and programs contained therein along with state and local governments as counties and Indian tribes as long as their guidance and resource management plans are consistent with the purposes, policy and plans of the federal--federal laws and regulations.

The BLM must comply with certain land and resource management requirements. For example, they must include multiple use under the Multiple Use-Sustained Yield Act. A multiple use means that the federal agencies must manage their land so that all uses on these lands are harmoniously coordinated. The act states that multiple use means the management of all the various renewable surface resources

of the national lands so they are utilized to the combination that will best meet the needs of the American people, make the most judicious use of the land for some or all of these resources or related services for areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions. Some land will be used for less than all of the resources, each of the other, without impairment of productivity of the land, with consideration being given to relative values of the various resources.

Also, the National Environmental Policy Act, NEPA, says, of course, that the Federal Government must include in their recommendations and RMP--excuse me. Got the sniffles--any action significantly affecting the quality of human environment, which they have done eminently well, I think, in this, when you talk about their nine issues, but NEPA is a procedural requirement, not a substantive requirement, because the courts have stated that NEPA has two aims.

First, it places on the agency the obligation to consider every significant aspect of the environmental impact of the act. Second, it ensures that the agency will inform the public that it has instead considered all of the--of the concerns, but Congress in enacting NEPA did not require agencies to evaluate environmental concerns over other

appropriate considerations. Rather it required the agencies take a hard look at the environmental consequences before taking a major action.

Okay. I will go on with a couple of other points, and I will be through. The BLM regulations state that the public will have ample opportunity to participate and comment as we have been asked to, but it also says that the date upon which the decision making is based the BLM is required to base their information on the best scientific and commercial data.

I would like to point to e piece of information which you have heard more of tonight, how it doesn't fit that. This RMP doesn't fit that requirement. I haven't seen a single bit of information in this document referring to grazing or the revenue produced by it or any scientific data whatsoever or maps about grazing.

FLPMA, the Federal Land Management Policy Act, requires that there be an inventory of all grazing lands by BLM. That inventory has never been made, so you don't know in your county where the Section 5, 3, where the Section 15 lands are. How in the world can you then come up with a decent economic evaluation in your county when you don't even--the BLM can't tell you where these lands are and how much money should be produced from those lands?

By the BLM's own admission, there are no such maps,

so, in conclusion, I say that this draft resource management plan or EIS is incomplete, extremely biased, and not in compliance with the federal laws and court decisions requiring consideration of the economic impact on the citizens of your affected counties.

Thank you.

MR. BERGER: My name is Bill Berger. I am an attorney in Lewistown, and attorneys' handwriting always second only in legibility to doctors'. I have been asked and requested by some landowners to give an overview and address some of their concerns of this range management plan.

First of all, they are concerned their private property rights are being affected and diminished. They are concerned that their ability to earn a living and to provide for their families is being affected and diminished. They are concerned that their value of their lands is being affected and diminished.

A-9 In these regards, this plan must contain the following: Preferably a statement that condemnation will not be used. The mere threat of condemnation affects land values and the ability to finance their operations. If the BLM intends to use condemnation, then the plan should say so, and if they intend to use condemnation then the plan must state the compensation will be given for the loss to the entire operation, not just to the lands taken.

A-9 If the BLM intends the acquisition be on a willing-buyer, willing-seller basis, a statement must be in the RMP that this will not change, that if condemnation is to be used then when each parcel is targeted then there must again be given public input as to the desirability and need for that--for that land before condemnation is even pursued.

As far as access is concerned, when the BLM intends acquisition for access, then that acquisition should be limited only for the access required, and it will not affect the use of the rest of the landowners' land from which the access is taken.

BLM lands must be managed for wildlife on a sound basis in regards to carrying capacity of BLM lands and not the adjoining private lands. In that regard, the BLM and G-1 the Montana Department of Fish, Wildlife and Parks must enter G-2 into a contract for management of e definite number of elk G-4 on BLM lands. The plan must contain a statement that the number of AUM's will remain at a number certain.

In regard to the ACEC's, especially as to visual I-11 resources, definite criteria and parameters must be set out in the plan as to how the ACEC's will effect each landowner within the ACEC. If condemnation is to be used, a definition needs to be added to the plan for taking, and that definition must include any loss or reduction of private property rights and a statement that such losses or reduction must be compen-

sated.

Finally, I think that many of the concerns would be addressed in the purpose clause, if a statement such as this would be addressed, and that is that the purpose--that the purpose clause be changed, that it is the purpose of the BLM and this RMP not to alter the basic economic--economy and sociology of Central Montana from one of agriculture and mining to one of tourism and recreation.

MR. DESCHEEMAEKER: I am Dennis Descheemaeker. I am a rancher and farmer from Fergus County, and I just want to say that I support the views of the Fergus County Farm Bureau and Fergus County Stockgrowers.

Thank you.

MS. LEININGER: Mr. Chairman, this is--my remarks are in response to Mr. Dave Mari's letter of September the 26th. I wish to thank you for answering my letter.

I am Golden Leininger. I have farming interests in the very thin strip between Wolf Creek and the Judith River in North Fergus County. I have a problem that is serious of elk damaging my grain fields and fences.

G-8 May I refer to Paragraph 3, Part A and B, in your letter, relating to management of game? Why doesn't BLM plant more lure crops on BLM lands to draw elk from private land, crop land, where conflicts are occurring, and if any reduction in elk is to be handled by the NDFWP why hadn't

G-8 an agreement been made between the BLM and Wildlife to control the ever-increasing herds of elk and other game, if there is a conflict of interest. If so, what is it?

Thank you.

MS. HEGGEM: For the record, my name is Donna Heggem, Fergus County Commissioners. Following are comments of the Fergus County Board of Commissioners concerning the Judith Valley Resource Management Plan and EIS.

Land acquisition and disposal. The commissioners

A-11 would like to go on record as believing there should be no net gain in acres of public land through land acquisition. Land exchanges with willing landowners should be encouraged for the purpose of improving land management.

D-2 Oil and gas leasing and development. The terminology in this section was confusing at best. Alternative E appears to open more acres for development but places more restrictions on exploration. More restrictions will further discourage exploration in Fergus County. Therefore, Alternative B appears to be more consistent alternative with the economic development philosophy of Fergus County.

South Moccasin-Judith Mountain scenic area. The board supports Alternative E. This alternative would allow development but protect the scenic value of the face of the Judiths and South Moccasin Mountains on public lands only.

Thank you.

MR. KNOX: My name is Dick Knox. I am chairman of the Missouri Breaks Multiple Use Association. I am also representative of District 29. This comprises--State representative--comprises all of Fergus County except Lewistown, Petroleum County, and Judith Basin County. I will move as quickly as I can, Chuck.

The proposed plan--I will get into land acquisition initially. The proposed plan calls for a dramatic increase in land acquisition by the BLM. Presently land acquisition is carried out as opportunities arise and exchange of BLM lands for the lands to be acquired is the primary means of acquisition. This approach while surely not perfect has distinct advantage of basically maintaining the status quo of the tax base of the communities where the exchange takes place.

The preferred alternative on Page 78 calls for a total acquisition of 631,000 acres while calling for dis-

A-6 posal of 166,000 acres, a net gain to BLM if this procedure

A-11 was carried out to the ultimate 465,000 acres, almost 466,000 acres, and a net loss to the affected tax bases of the same amount, 465,000 acres. This loss of tax base would continue as long as BLM owns the land, and it is difficult, given the perspective of the present, to visualize the return of these lands to private landowners and taxpayers.

The plans based on Page 79 for exchange would be

the primary means of acquisition. Here we must certainly

A-6 ask some questions. Number one: How do you exchange 166,000

A-11 acres of land for 631,000 acres of land? This is particularly hard to comprehend when you consider that a significant portion of the private land the BLM wishes to acquire is highly developed irrigated land such as that along the Judith River. This irrigated land has a market value easily ten times that of the unimproved range land that the BLM has to offer for trade.

In addition, a large portion of the 631,000 acres of private land the BLM would acquire is land that by its location and quality has a much greater per-acre value than the BLM land. This further increases the disparity in value between the two blocks of land.

To say that exchange will accomplish this lopsided transfer of private land to public land is certainly not a straightforward approach. Obviously, over the period of time necessary to accomplish this extremely large transfer, large amounts of taxpayer money will have to be used. When this is coupled with the loss of revenue to the counties, the lack of resource development on those lands once they are in federal hands, the resulting loss of jobs, the massive amount of federal dollars necessary to consummate the land acquisition, you have an extremely heavy net loss to Central Montana and taxpayers in general.

This heavy loss is not necessary. It is not acceptable to the State of Montana and certainly not to Central Montana. I strongly urge the continuation of Alternative A.

An additional comment is in order regarding land acquisition by BLM. Approximately 68,000 acres of that land is slated to be farmed to raise crops to lure wildlife from private crop lands. First, this approach will most surely increase the number of elk in the area. It is highly questionable if it will decrease private crop damage.

Basically what will be done is to increase the acreage of desirable habitat for the wildlife. To assume that elk in particular will find BLM crops more desirable is simply wishful thinking.

In the Missouri Breaks the heavy concentrations of wildlife are always found adjacent to crop land. This will not change. We will simply have more elk, and private crop damage will continue as before.

Oil and gas development. Oil and gas development play a significant part in the economy of the area to be affected by this plan. The plan calls for very large changes from the present management criteria. Specifically under present management 3,231,201 acres are subject to standard management stipulations. 876 acres are subject to more stringent special stipulations. The plan calls for 1,474,000 acres to continue under standard management, but 1,748,000

D-2

I would point out that these areas are presently stocked with livestock. The loss of this grazing base will decrease livestock numbers which will in turn reduce the tax base of the area and decrease the economic viability of the community.

Here, again, we have proposed policy that not only is not necessary. It is clearly detrimental to the people who live and who work in the resource area.

The wording of the management objective and implementation of the preferred alternative on Page 85 make it perfectly clear that all existing AMP's in riparian areas will be rewritten. The wording of this section is very clear. Riparian objectives will be met first, livestock objectives second. I submit that the criteria regarding riparian management is subjective and therefore subject to interpretation. Any manager, present or future, would have the perfect tool to reduce livestock numbers in any allotment that contains significant riparian area.

F-19

I do agree that there is room for improvement in riparian management. However, it should be site specific in all cases. The allotment holder and BLM personnel can surely address and correct problem areas as they are identified.

The definition of riparian area as presently used in the resource area includes silver sage as a riparian plant.

acres are to be placed under special management. This is an--this is an increase of 2,000 percent. There is absolutely no question that this will inhibit oil and gas development in the future.

D-2

We must also consider that federal and private land are intermingled all throughout the resource area. If federal lands in effect are not available for exploration it greatly diminishes the potential economic viability of the entire area for oil and gas development.

Again, we find BLM policy proposed, BLM policy, that would adversely affect the economy of the region. This is not necessary particularly in a time when our nation is running huge deficits with imported oil a large contributor. Alternative A as practiced is environmentally sound and though restrictive does provide for oil and gas development. I strongly urge its continuance.

We get into riparian and wetland management. The possible implications to livestock grazing on BLM lands from proposed riparian management are very far reaching. Without question, livestock grazing will be secondary to any real or imaginary riparian concern. The plan states on Page 85 that all acquired riparian areas will permit livestock only if they are compatible with riparian--riparian management objectives. This means only one thing. Livestock will be for the most part excluded from newly-acquired riparian areas.

A-10

It has already been clearly established that all types of management will be more restrictive in riparian areas. The inclusion of silver sage as a riparian plant vastly increases the total riparian area. The implications are clear. Certainly livestock numbers will be decreased to accommodate the stringent management criteria.

In addition, the ability to control noxious weeds will be decreased. Present management practice allows only wick application of herbicides to noxious weeds in a riparian area, a very slow, labor-intensive practice that is not as effective as spraying.

This definition greatly compounds the difficulty of control of noxious weeds. The Missouri River corridor is riddled with patches of leafy spurge and spotted knapweed. Realistic control methods that are environmentally sound can control the spread of this cancer to adjacent private land. Failure to do so will result in devastating losses to adjacent property owners.

The loss of wildlife and livestock habitat is fully documented wherever heavy infestations have occurred. The resulting decrease in property values has also been fully demonstrated. The BLM does not now have a noxious weed program, control program, worthy of the name. Their failure to develop one is inexplicable and can only harm the entire resource area. Perhaps the best example of how far the BLM

has strayed from its basic mission, the protection of the land, is this fact.

In 1991 the Lewistown District spent a total of $2,000 for noxious weed control in the river corridor from Fort Benton to Robinson Bridge. That's a total of 149 river miles. At the same time the proposed plan we are discussing tonight has identified 631,000 acres for future acquisition. The paperwork on one land transaction alone will cost more than $2,000. The failure of the BLM to protect the river corridor while at the same time proposing to acquire massive amounts of new land is a devastating commentary on the agency's ability to manage the land it is now responsible for and to develop a fair and a workable plan for the future.

Thank you.

MR. JENNI: I am Don Jenni, and I represent the Jenni Ranch. We are located in the South Moccasin Mountains.

There are four issues out there that affect us directly. Land acquisition and disposal is one of the main ones. There is over 2400 acres that they have identified for acquisition from our property alone. There is a total of 5,000 up there in the South Moccasins that they would like to acquire.

I have talked to the people up at the BLM office, and they say it's a willing-seller basis only, and I don't believe that's near strong enough language. I think some-

day down the road that they are going to come in and there will be a condemnation procedure. I would like the land in the Moccasins, and this would include the other landowners, they have all come to an agreement that sons are will sellers. We would like all the South Moccasin land for acquisition taken out of there and at the very least put in the words that they will never use condemnation for land acquisition.

A-9

Another issue up on the South Moccasin Mountains is the elk habitat. Presently there is approximately 1200 acres of BLM land in the South Moccasins. We lease that at the present time. Our allotment for livestock is thirty-five AUM's for the entire 1200 acres. That means thirty-five cows for one month or if it was used all year around three cows for the year. The BLM says that they keep half the forage for us for the wildlife, so that means they have the ability to keep three cows up there for the year, so they can have three elk and we can have three cows for the year. Now they want to call this elk habitat.

Now, this does not take into effect there is no water on the BLM land, doesn't take into effect there are three separate parcels that do not connect. We have private land between all three. The only way they are going to have elk habitat is by acquisition of more land. That's all that leads to.

The elk--they are starting up problems now with

fences up there. Used to be able to fix them in the spring because of the snow breaks. Now you got to go up there more than once and fix them because of the elk. We don't want anymore. They don't stay on BLM land.

Access is another problem up there. Right now there is no public access to the BLM parcels. They go through the private landowners'. The one with the best road is through our place. There are several miles of our public land--or private land, excuse me, they have to traverse before they get to public land. Then it only reaches one of the parcels, and the parcels are not fenced or identified in any way.

At present we let the majority of people go up there. We do restrict some things--during hunting from fire hazard--and then the problems with the weeds we are having. We don't want a public access up there.

The ACEC is another problem. The people in Lewistown would like the scenic area to be seen. The majority of the land that you see from Lewistown as you sit on top of Main Street Hill as you drive in does not belong to the BLM. The surface belongs to private landowners in the Moccasins. Even if you include the minerals that the

J-1

BLM controls and add to that the majority of South Moccasin Mountains does not belong to the Government. It's privately owned, and at present the view you people in

Lewistown are seeing is a result of how the land has been managed in the past by the private, and if you like it so well why don't you let us manage it in the future? If you want to change things go ahead and sell some of the BLM parcels. We will find some willing buyers.

MR. HANSON: Good evening. I am Robert Hanson from White Sulphur Springs. I represent the Montana Farm Bureau in District 3, representative from this area.

The only alternative that we can see that is livable from the ag. point of view is Alternative A. D is totally destructive to the ag. community. There is loss of private property.

On Page 2 on land coming back I noticed that you referred to transferring the land to private use. I point this out because it's becoming more sensitive. In the last week I have read three Government drafts. One of them referred to private property as non-federal lands or lands in the hands of the public, and you refer to it as lands in private use.

Most of us in here feel that we have personal property and personal property ownership that has certain rights. Along with this there would be a tax base loss that you need to run the schools, basic service in the community. There would be an economic loss to the community.

For example, it seems since I am a cattle rancher

A-29

over here I am a little more familiar with that part of it. You have the loss of 31,116 AUM's, stated to be 2,590 head. Now, I deal with these guys over here in Fergus County. They keep telling me how great it is, but I have a hard time swallowing that you can graze twelve months a year here. That's the only way you can have 2,590 head out of eleven or 31,000 animal unit months. It's more like five months grazing, which would have a total of somewhere around 6,000 head you would lose off the tax base.

X-13

In your economic evaluation several times you use a multiplier effect. One that I noticed you did not use was the value of an AUM by the University of Montana State by Dr. John Lacey to a community. It has the value of $74.76. If you multiply that by the 31,000 of animal unit months that you are going to decrease, that would be a loss per year of about two and one-third million dollars. We clearly feel that there should not be any more acquisition of private property, must only be by a willing seller, no net gain, and we must maintain the tax base in these communities.

ACEC--boy, you have to say that carefully--of the Judith and Moccasin is strictly a view shed, and I hope you forgive the pun, but that's strictly a point of view, depending on whether you are a cowboy, logger, miner, or hiker. Personally, I prefer red heads.

Thank you.

MR. TROW: My name is Joe Trow, and I am a resident of Winifred, Montana, and I have had question problems with the BLM, and the BLM has no problems because the BLM can't speak. They are dumb. They are ignorant. They are whatever you want to say. It's like you don't go to the bank to get your money. You go to a person to get your money.

So what I have to start and say here is that federal employees which create the BLM must be accountable for both their actions and their non-actions. Now, if the BLM man says we I don't know if he isn't speaking for me as part of that we. When he puts in this plan it's who signs the plan, so what I have to ask is who extended the ninety-day public comment time on part of this book.

Y-30

If we look at the calendar, December 15th happens to be a Sunday. Now, do we have till the 16th to turn in these comments or do we have to turn them in by the 12th? This is just simple, you know, more problems that we don't need. If they want to say we can have till the 16th that's fine, but we want to know the man that can do this, the BLM cannot do this, so I ask who had that comment period changed. Then I have to ask where may I receive a copy of this change, this change of data, this extension, because the laws say

Y-11

what we have to do, so to me what we have to do is we have

Y-31

to separate ACEC from the plan.

ACEC's had a sixty-day time period starting on

June 21st. The rest of the plan had a time period of ninety days starting on July 12th, so now if they are going to extend the period are they going to extend a period that already stopped? The sixty-day period on the ACEC stopped.

Y-31

People here talked about ACEC here tonight. Would those comments be valid to use that were posted after the deadline in the plan?

Also we have the consistancy thing that the people here have talked about, and that is that the State has a consistency thing of sixty days, and if they didn't turn in their consistency program they would have no more say on this plan.

Y-17

Now, did this guy that we can't find his name out who increased this comment period time ninety--to December 15th or whenever, did this man also increase the time that the State has to change the consistency? I say no, because I can't find the paper. The State can't deal on a telephone call. The counties can't deal on a telephone call, so I am here to say that the ACEC's that are spoke at this meeting and that are written as comments here cannot be valid to be used in the plan in any way, shape or form, unless we have the name of the man that extended this period.

Y-17

There are only six people in the BLM with vested duties that can change CR--Code of Federal Regulations plan. That's in the federal--presidential appointee. That's Cy

Jenison. It definitely is his name, but we call him Cy. Then we have five assistant managers who are appointed by the Secretary of Interior. Other than that we cannot redelegate their authority to change a CFR regulation, so, in other words, one of these six men had to do this, so I did some checking, and I asked here at our locally for the name of the man, the date it was signed, and it isn't, so what I am here for I am to say in my own dumb words is that the entire book should be withdrawn, put a moratorium on it, and it should be reworked, but not from the book. It should be reworked from the applicable laws that we have and the dates. They have had all this time. They have the laws. You ask them for a copy of the law personally, and they don't have it. They say we have this authority, but the BLM has no authority.

Y-11

It's only the people in the BLM, so what we are at here at this meeting is that we are talking on ACEC's. We are having this man spend his time to do it, and by the law they can't be used to make their determination because that time ran out in August and at the State office they are already making judgments on those appeals, on those comments, so I ask how many comments besides Joe Trow's was placed with the State director prior to August 20th or 21st, and that's the deadline by our Code of Federal Regulations on ACEC. They are in part of the book, but they are not

the entire book, so what I have to ask then is what is the status of the ACEC's published in the Federal Register that was published on the 21st of June, and then how many comments were written on these, and on the other ACEC items Title 2 doesn't mean anything because the book doesn't seperate it.

If you people are making comments how do you know which you are making a comment on? On the book, which you have ninety-day comment period, or the ACEC, which you have sixty days comment period. If the BLM has not voted I am sure that this doesn't come through by some chicken plan. At least it didn't tell me. It might have told you.

So then we have to get down to where we are talking dollars that comes to our county. Now, there are people that made these analyses in this local area. I would like the names of the people within the agency, BLM, who did the analysis on the seventy-five cents an acre on your PILT payment which we just got in our county yesterday for $340,000. With this there is a thing, and it says this is paid for so many acres within Fergus County, which is in this plan.

By freedom of information the BLM cannot tell us how many entitlement acres there are in Fergus County. They cannot tell us how many there are in this plan, but they sent us a check today.

Now, this same BLM person, can you imagine this, we have to redistribute this money back to the school

districts from where these lands came from to save you and I tax money. If it doesn't get back to the school district our tax money is subsidizing all of these lands that the BLM is paying us on; they can't say where they are at; they won't say where they are at; I challenge them to tell me where they are at; I have asked then through freedom of information where they are at, but yet they send us a check, and we don't know how to redistribute it, and now we are not talking pennies. We are not talking--this check happened to be for $343,000. It could have been 396,000, but the BLM didn't tell us how many acres we had to start with.

I don't understand a plan that has these number of acres in it. This is Fergus County within this plan, and this plan cannot tell us where these acres are. Now, if there were seventy-five cents an acre and we are missing 10,000 of them it doesn't take a mathematician to figure it out. We have lost a nickel; haven't we? Okay. If we have this, then the BLM can't tell us of that, and the final thing on this entitlement acres thing is the amount of entitlement land within the boundaries of each unit of local government in Montana. A local unit of government is a taxing entity. In Fergus County it's a school district, and the last date of fiscal year preceding the fiscal year which happened in the last two days--their fiscal year started October 1st and ended the 30th--they were supposed to tell

us how many payments were made from those lands, how many AUM's they collected for it, how much right-of-way they collected for it, how much any land use they collected, for the BLM here in Lewistown can't tell us that. They have no records of it, but they are sending out this plan telling us that they have these records because they send us a check.

Now, then it says so directly, it says, pursuant to the laws listed in Section 4. That includes Fish and Wildlife and Forest Service lands, everything to make up the total of this, shall be obtained from the administering--administering federal agency.

I would like to know on public comment is the BLM an administrative agency of the entitlement lands in Fergus County, Phillips County, Judith Basin County, Petroleum County, and Valley County, which is in this plan, for not one of those counties can the BLM tell us the total location of the entitlement lands. If this sounds complicated to you it's just seventy-five cents for every one they can't come up and tell us where it's at, and what happened? This is our school district money. This is a taxing entity.

In the State of Montana you cannot tax without known anticipated revenues. If they don't know where the lands are, if they don't know how much the check is worth they are giving you, how many anticipated revenues does your school district have, so that they don't charge you so many

taxes? The BLM is doing this in the plan. They have done this in the plan. They were supposed to have inventoried these lands. There is no inventory of these lands. This is smoke and mirrors, because we have through freedom of information the latest update as of September 5th, that the BLM does not have a location of the grazing lands within this RMP, this is the Freedom of Information Act, just to the RMP. They do not have them on the--a copy of the classified public lands use for those particular grazing by counties and school district. They don't even have it by the whole plan, and here they are telling us they have done an economic evaluation.

An AUM is worth at least a nickel or a dime, but it is not transferred, and, if you take from my school district and put in your school district, I am sure one is going to lose and one is going to gain at seventy-five cents an acre, wherever you turn it around, so what we have is in this plan.

We don't need this plan. This plan is not with the laws. It doesn't go with our Constitution. It does not go with our presidential order in 1988. These employees, not the BLM, these employees have created these promulgated rules and these things, said here is your check. I am not telling you where it come from, and you can't find out. Joe Trow.

Now, this is as simple as I can be. I have used all of your time. I want one last thing to say. If one thing I have said is wrong and the BLM can come and show you people with a document who extended the ninety-day period, who has the authority to change a sixty-day period for ACEC's separate from this, please bring it out, and I will apologize. I will do whatever anyone were to ask me, but I have asked for this for five years. Now, if you can't get it in five years I hope somebody here like one of our representatives has a chance to ask this man who extended the period of time for the comments on ACEC's, which is a base that really restricts our land, and if they can't tell us where entitlement acre lands are and if they can't tell us where our grazing acre lands are they can't pay our payments in lieu of taxes, which they did pay.

Thank you very much.

MR. BREVIG: Hi. I am Clark Brevig. I farm and ranch in the Moccasins with my wife, Gail, my mother, Helen, and my sister, Joan. I am also an insurance agent. I have some written comments tonight, but basically everybody covered them, so I will turn them in, but there is just one thing I want to say.

I was visiting when I came in here with some BLM people, and I was handing out some--a paper with some addresses on it for you to write to people to tell them your

Montana. He is from Ryegate. What happens when he is gone?

There is no-net-gain deal. That can change. At that point in time they can say we want those lands for the United States, for the people in the United States. We are going to protect them. Look around you. I am an insurance agent. I get people out here from Chicago, Houston, New York. They find out where I live, the companies I work for, and they come out here. They look around at this thing. They say, boy, this is beautiful. This is really great. Hope this never changes.

People will make the decision if we let this plan go into effect, not us. We can lose our tax base. The businesses on Main Street will go broke. The farmers and ranchers will go out of business. The mines will be shut down. They chop the trees. We will have burned lumber with all the jobs that were created there, and this town could end up in trouble. This state could end up in trouble.

It needs to be stopped, and it doesn't matter if you want the view shed or not. It needs to be stopped. There is just something--you know, when Donne got up here to speak there is something that crossed my mind. You know, this sounds kind of funny, but it could happen, if this plan goes into effect.

These people worked very hard. They believe in what they do. They are trying to do the job. They aren't

opinion of this thing. Whatever your opinion is you should do that, but the one thing that sticks in my mind, and I have been sitting here listening to this tonight, and it's one thing that hasn't been said, and it should be.

The other night on the news there was a lady from New York talking about 19,000,000 acres of wilderness in Montana. If you take a look at this plan, this plan takes control from Central Montana of our lands. It's open-ended. It states right in there any land that they want to they can designate it for acquisition. It does not say they will not condemn this land to take it. It does not matter if you are a rancher, a farmer, a logger, a miner, a teacher, a businessman, what you are doing. Your decision is gone.

A-9

What happens to Lewistown, Central Montana, the counties around us, will happen in Washington. You will have no more say. Everyone of you sitting in this room whether you want the view shed, you don't want the view shed, will no longer have a say. You need to stop this plan. You need to write to your people and stop it. It can devastate our county.

They want 400,000 net acre gain. You watch the news. You watch NRTA. You watch the Sierra Club. You watch all these people. They have more pull. We are losing one of our representatives. They have more pull than we will ever see. They can--administration. Cy Jamison is from

making the decisions. They are coming out from back East. They are trying to do it the best they can. When the decision comes down they will do it. If they are not they will be gone. We know.

Change is the only certain thing. The BLM directors of Lewistown have taught us that. They keep changing and changing and changing. We need to get organized as a group in Montana, and that doesn't mean Lewistown. Everything to stop this plan. If the people back East have their way and decide that all these mountains--we are going to--we are going to--the hunters aren't going to be able to hunt. We are not going to be able to log. We are not going to be able to mine. We are going to draw a line on the wilderness at the city limits. Then it may no longer be Commissioner Donna Heggem. It may be Alderman Donna Heggem, and it could happen if you don't stop it.

Thank you.

MR. HEGGEM: My name is Chris Heggem. I am representing Winifred FFA chapter. Many of our parents lease BLM land, and the decisions made as a result of this meeting will also affect our futures. We would like to share our opinions concerning these issues before us.

First of all, concerning elk and bighorn sheep management, we realize that wildlife such as elk, deer, and bighorn sheep graze freely on private, as well as public,

land. We also recognize the importance of continued livestock grazing on state and federal lands to preserve our way of life.

We support the limitation and regulation of elk and deer populations through hunting and oppose the acquisition of lands solely for elk habitat. However, cooperation between the BLM and the state is essential in developing an equitable management program.

For land acquisition and disposal, we are greatly concerned with the plans for land acquisition and disposal. We feel that any acquisitions made should not disrupt the ranching operation or negatively affect the lifestyles of those who ranch on BLM land. Additionally, the BLM should refrain from acquiring large amounts of land, as one of two alternatives will clearly take place.

Number one, the taxpayers could be burdened with the cost of managing additional land, or the possibility of management of the land would be less effective.

Finally, I would like to speak on access. We do support the development and improvement of access to BLM lands used by the public, and we would like to express our thanks for allowing us to contribute our ideas and opinions.

Thank you very much.

MR. PHILLIPS: Wes Phillips, South Moccasin landowner. I will submit mine in writing. Most of the things

have already been covered. I might just add one point that BLM office is in the view shed of my ranch, so maybe we can discuss that later.

MR. BENSON: My name is Robert Benbow, and I represent the Kendall Mine. I have a short statement tonight. I do plan on submitting much more detailed written comments later.

First of all, I would like to comment on--on in general the creation of areas of critical environmental concern and the Congressional multiple-use mandate.

When deriving policy for federal land management, the Congress of the United States issued a strong mandate for multiple use. Congress also passed legislation allowing for the creation of areas of critical environmental concern in certain instances. Congress did not provide good guidelines for establishing ACEC's leaving it to the land management agencies to establish rules and regulations. Since ACEC's promote singular use, these two concepts are often in conflict.

Since it is also clear that the intent of Congress was to allow multiple uses to coexist on federal lands simultaneously, the multiple-use concept I believe should clearly take precedence whenever possible. The BLM has included lands in potential ACEC's that could with watchful management continue as full multiple-use areas.

Secondly, I would like to address the South Moccasin-Judith Mountain scenic area ACEC. The EIS identifies negative impact for the mining and the logging by the creation of this ACEC. The impacts are deemed to be significantly greater for mining with a likelihood that two open-pit mines J-31 will be forgone. The full economic impact of this mining is not spelled out in the EIS.

The document shows the total value of mineral production in Fergus County for 1987 was approximately one-half million dollars. The gross production of metals in Fergus County in 1991 will exceed $20,000,000. This represents a 3,900 percent increase. Assuming the two mines are the J-32 size of the Kendall Mine, which is small by industry standards, the potential economic loss to the State of Montana and Fergus County are $1,000,000 per year in gross proceeds and metal mines taxes, $500,000 per year in property taxes. $4,000,000 to $5,000,000 per year in payroll, $4,000,000 to $5,000,000 per year in local products--local products and supply purchases.

The majority of these funds are of direct benefit to Fergus County. The EIS discloses that the yearly economic benefits from all of the proposed combined ACEC's will be approximately $646,000 per year. The benefits of the resource management plan could be greatly increased by excluding the South Moccasin-Judith Mountain scenic area

ACEC as well as many others.

Thirdly, the Collar Gulch ACEC in the Judith Mountains. The Collar Gulch area is a historic mining area, and it has a lot of small miner activity today. As identified in the EIS, this area has high to moderate mineral potential.

The west-slope cutthroat trout to be protected by this ACEC is not in danger of extinction in Montana or in the United States. Its existence in Collar Gulch is not significant environmentally, and there is some question as to its origin within the area.

Because Montana and the United States has sufficient laws protecting water quality, this proposed ACEC is redun- M-28 dant, and the BLM could put its management funds to better use elsewhere.

In conclusion, the JVP resource management plan produces eight ACEC designations which could be left open to multiple-use mandate with watchful management. The BLM should re-evaluate the cost-to-benefit ratio of the South Moccasin-Judith Mountain scenic area. I believe the cost of creating this ACEC greatly outweighs the benefits of not creating it. The Collar Gulch ACEC is redundant, and I believe BLM funds could be put to better use elsewhere.

One other comment I didn't get written down at this time, and I haven't finished at this point, but we are evaluating what the BLM feels would be the cost in managing

this plan, and I believe it's going to be staggering and really something that us taxpayers can't afford.

Thank you.

MR. HUGHES: I am John Hughes, fourth-generation rancher on a family operation in the Winnett-Grassrange area.

First of all, I would like to read to you a resolution that was passed at the annual meeting of the Montana Association of State Grazing Districts in Billings Friday. It's entitled, "Federal Government Acquisition of Additional Lands."

"Whereas, the Federal Government is identifying private land to purchase or trade so that the Federal Government can control riparian habitat, winter habitat, and access to federal lands, and,

"Whereas, this acquisition of land decreases privately-owned land and thereby affects the tax base and further takes control away from individuals and decreases and constrains private use of land,

"Now, therefore, be it resolved that the Montana Association of State Grazing Districts is opposed to any program or proposal seeking to increase Government ownership of private land and taking the same out of private ownership and use."

I have some personal comments I would like to share with you. As a rancher, I am very concerned with the Judith

A-43

There is one tract of land that's a small tract of land that's been identified for disposal in my private allotment that's Arthur Individual-Two Calf. I believe that this parcel needs to be withdrawn for the following reasons: This allotment is 100 percent government furnished. It has a working management plan on it. Yet if this parcel of land were to be sold within this allotment it would no longer be a private allotment. I would then have a neighbor. If that were to be purchased by me it would be an economic impact on the ranch that we cannot afford at this time.

The land is critical elk, mule deer, and bighorn habitat. It has North Two Calf and Middle Two Calf flowing through the tract of land. Probably no better hunting in the whole area. I think that our bow hunting that is taking place at the present time reflects this use.

Last but not least, this tract of land has wetlands on it. It has springs known as Bow Springs that has been there ever since God knows when. It provides enough water to run water at times a mile down the drainage. It keeps the drainage saturated for a quarter of a mile downstream. That must qualify as wetlands.

A-44

To get back to acquisition, there is an area called Dog Creek Hills east of Winifred that's now identified as an area needing acquisition. In 1988, October of 1988, these federal lands were targeted for disposal. Our ranch received

Valley-Phillips Resource Management Plan. We feel the plan is flawed in many ways. Many landowners who have paid taxes on land, livestock, and improvements for many generations will be severely impacted if this plan passes in its present form.

A few examples are impacts to livestock management, cost of AUM's connected with the plan such as the ACEC's--the one we are closest to is the acid shale forest in Eastern Petroleum County. Also this lure crop program, endangered species plan, the riparian plan, access of off-road vehicle use need to be combined and controlled.

This is a major concern to all landowners. We support the no-net-gain concept concerning federal lands.

Thank you.

MR. ARTHUR: I am Jim Arthur, a rancher from Winifred. I have written comments here that I will give to the recorder here and shorten my testimony this evening.

There is one thing that under land acquisitions and disposals this plan needs to be so developed and safe that it will not and cannot be used as a tool for government to become larger. Government needs to extend or continue to extend its purchases, its monies, it has to spend on existing projects and existing commitments that have been made in the past. We don't need additional public lands to manage and spend funds on.

A-44

a letter asking us if we were interested in purchasing them. They wanted to dispose of them. They are now being sought after as winter--critical winter habitat and sage grouse habitat. I don't believe that those antelope and sage grouse found that property in the last three years. I think this is very poor planning at best.

Talking about off-road vehicle use and access to public lands, I think the Bureau needs to be very careful of seasonal use closure. I think what we are doing is providing--giving the public the opportunity to use what we purchased for them to use. This is a restriction of use that I don't think we can--can tolerate.

With that I will pass this in to the recorder and let somebody else take over.

(A recess was then taken.)

MR. BLAKEMORE: Hello. My name is Gary Blakemore. I am from Hay, and I got a cold, and I have been working cattle all day. Bear with me on my voice here. I am going to cut this real short, because a lot of things have been covered real good, and it would just be redundant if I would keep going on.

A-6
A-11

Anyway, the BLM has identified 631,000 acres for acquisition, 165,000 for disposal. Okay. We will lose 31,000 AUM's; right? Mr. Otto says no. How come? I see. Look at Page 76. Okay. 76 is a real important page here

under implementation. It says, 'Through land acquisition and disposal BLM would attempt to maintain the respective county tax base by selling land--lands that may be identified through plan amendments.' I guess these plan amendments aren't here yet, so we don't know these lands yet. Let me read it again. 'Through land acquisition and disposal BLM would attempt to maintain a respective county tax base by selling lands that may be identified through plan amendments.' I don't know. Plan amendments.

Anyway, it's an open-and deal, too. Page 78 still. "In the future additional acquisition and disposal tracts for exchange may be identified provided they meet the criteria shown in Appendix A." Okay. In the future--I guess A-45 that's for fifteen years we are going to fight with this. Is that about right? Yes, okay.

I guess that's basically all I had to say. The elk herd in the Judith Mountains, by the way, is doing good. The BLM doesn't have to get any more habitat up there. Gene, just because you didn't stick an elk the other day don't mean there aren't a lot of elk up there. There are a lot of them up there so--thank you.

MR. BOYCE: My name is Cleo Boyce, and I ranch with my family both east and west of Winifred.

It's a major concern that BLM wants to acquire more land and they don't seem to actively take care of what

they got, and something that they said earlier in our case we weren't notified that they were taking a look at a lot of our land for acquisition, and mainly a lot of my dad's irrigated. We don't think that like along the Missouri where there are willows and stuff they have let take over is a very good example of riparian management.

In the Thirties old-timers say it was a rare occasion to see deer due to ranchers' conservation efforts, improving range, building reservoirs, digging wells, planting crop. Population of both deer and elk has increased significantly. It would seem ranchers have unwittingly improved game habitat and increased population to the point that BLM sees the need to provide even more habitat.

Your document says BLM land is capable of supporting expended elk populations which in turn would increase hunting opportunities, but when grass is short and in short supply and water is poor who stands the reduction of animal numbers to compensate? Wildlife or the rancher?

Increased hunting opportunities are doubtful, too, when the Department of Fish, Wildlife and Parks scatters game right before hunting season.

Finally, the land condemnation and acquisition plan would very effectively increase government control and the recent fall of the majority of Communist countries tells us that doesn't work.

Thank you.

MR. BOYCE: My name is Gary Boyce, and I am speaking on behalf of our family ranch located in northern Fergus County.

Our main objection to the BLM proposal of future plans is that they will confiscate privately-owned land for their use. In their studies they have included all the land and water. Wildlife has been expanded so greatly that all farmers and ranchers are being overrun with deer and elk. To my knowledge, there has never been any reimbursement for any damages.

We have no objections to wildlife if the Fish and Game and BLM had to manage their livestock the same as ranchers do. In my estimation, this is not management.

Last summer we had large numbers of elk live in our grain fields. The only time these elk used BLM land was in the daytime to sleep, thus grazing our crops, during the day--at night. Then a week before bow hunting season helicopters and game officials came in and scattered the herd for miles. There was considerable amount of damage to fences and crops. This was done without notifying us. This--this is the Fish and Game and BLM's idea of management?

I would like to know what your future management plans are for your wildlife.

Thank you.

MR. GJERDE: I am a rancher southeast of Grassrange. I am also president of the Fergus County Livestock Association.

On behalf of the Fergus County Livestock Association with a membership of 140 family operators I submit the following statement: Because of the negative effect to private property rights and the lack of consideration given thereto, we are opposed to the Judith Valley-Phillips Resource Management Plan.

Thank you.

MR. OGRIN: My name is Jerry Ogrin, and there was only one comment regarding the oil and gas industry. That's what I work in, so I thought since this does have to do quite a bit with gas and oil development that I jotted down a few comments.

I agree with most of the comments that have been stated regarding the BLM's anti-development proposal or the RMP EIS. Most of the comments have been made by people involved with the mining and ranching interests.

As I stated, I work in the oil and gas industry and would like to add that even though the oil and gas industry plays a small part in the Lewistown area the closer you are of additional public lands to the oil--to oil and gas development will only add to the demise of this already-faltering industry in the State of Montana.

The BLM currently has strict environmental regulations on the drilling and development on federal leases. If BLM feels that their current regulations are insufficient as to properly control the oil and gas or mining industries, that the only alternative is to close or restrict certain areas, maybe the BLM should be reviewed.

If lands are entirely closed to any development in the near future, I can safely assure that they will be closed forever. Who knows what new technology may be developed and needed in the years to come? This new technology may find new reserves of minerals, oil, or gas that could add to the surrounding area's economy.

Let's not let the BLM's guardianship role further squeeze another breath out of Montana's economic life.

MR. GRINDE: Maybe would this be the appropriate time? I would like to ask some questions strictly for the record and then make some statements. Is that all right at this point?

(Response by Mr. Otto.)

MS. PETERSEN: My name is Gerald Petersen. I am a rancher near Glitedge. I think what this boils down to Government is getting too big again. We have never heard much of this during the 1980's. I believe it's about time to do some budget cutting again.

I would like to see the BLM put more of their lands

up for sale to the private sector as this will generate some much-needed revenue rather than wanting to take prime agriculture and range land--range land out of production so the out-of-state hunter has more land to hunt on. I feel that there is an abundance of federal lands available for recreation at the present time.

A-11 I am definitely opposed to the inclusion of my property in the Judith Mountains in your land acquisition program.

Thank you.

MR. NOLAND: My name is Ken Noland, the district director for Congressman Ron Marlenee, and without getting shot by Joe, my friend, Joe, I guess there was a Congressmen that asked that the period be extended, and I guess it was Cy Jamison that probably granted it, and I guess that it was--included both of them, because as we were traveling around to listening sessions and listening to the people, Joe, we were right in the middle of the busiest time of the year and they were asked to prepare and be able to give testimony, so, Joe, that is kind of where that came from.

MR. THOM: Could you furnish me a signed paper with that, then, sir?

MR. NOLAND: We did. We thank them. It is public knowledge, Joe. It was in the paper. I will get you a copy.

The system is working. This is what the system

is. The BLM were directed to do a study, and they did--they did that. We could debate whether it was good, bad or indifferent for a long, long time, but the important part of the system is here, and if the BLM is going to accept the important part of the management system, environmental impact statement, then they will listen to what the people had to say.

You were the drafters of the plan. These are the stewards of the land. We are now coming together. We now have the experts, the people who raise their children, pay their taxes, keep the roads, schools, and hospitals going here before you. You, like myself, work for these people.

We can no longer tell them that they are not going to be influenced from the eastern part of the United States, because we see where the State of Montana is not capable of deciding that we should have a fourteen-bear grizzly bear hunt. Somebody back East has to tell us how to manage that, and if you don't think they are not going to tell us how to manage these lands when they don't think that we are doing a good job, you are not doing a good job, they will get a judge to do it.

These people's testimony here this evening is the most important part of this whole system. Please, please, listen to what they are saying very, very carefully.

Thank you.

MR. GRINDE: For the record, my name is Larry Grinde. I am a local rancher here. I do have a few questions, because I am not quite certain of some things that are in this proposal, and I think it's important that we get them on the record.

I guess the first question that I would have the Y-1 authority that you folks have taken in order to draft this management plan was created under Public Law 94579; is that correct?

(Response by Mr. Otto.)

MR. GRINDE: That's correct. That's what set this whole proposal up, gives you the authority to do that?

(Response by Mr. Otto.)

Y-2 MR. GRINDE: So, in essence, this is not said in statutes, but it gives you rule-making authority over this district; is that correct?

(Response by Mr. Otto.)

MR. GRINDE: I believe that to be correct, but it doesn't say in Public Law 94579 that you have to create certain riparian areas or that you have to have a scenic Y-2 view. It only gives you the authority to look at this situation and make a judgment as you see fit. Is that correct?

(Response by Mr. Otto.)

MR. GRINDE: Okay, if that's--if that's correct, that there is nothing set in stone on this, which I don't

believe there is, because you have admitted it gives you the latitude in this proposal, then in actuality you would have--wouldn't have to really do anything. You could say that we have looked at this. The people here have comments. We feel that this area and this district is just fine the way it is, and we are satisfied. Is that correct? Y-1 Y-2

(Response by Mr. Otto.)

MR. GRINDE: Okay. I would like to continue a little further. I want to go in the economics of this situation and how it affects us here. I guess in your judgment--and after reading the document I find statements in there, very little economic impact, possible impact--I guess I would like an answer from you what do you feel that the immediate and long-range economic impact to the three counties that are involved in this are going to be. Is there going to be a great impact, a moderate impact, or no impact whatsoever? X-14

(Response by Mr. Otto.)

MR. GRINDE: So, yes or no, there will be some economic impact under this proposal in our three-county area?

(Response by Mr. Otto.)

MR. GRINDE: But you do not have figures that show what impact will be to these three counties? X-14

(Response by Mr. Otto.)

MR. GRINDE: Only speculation?

(Response by Mr. Otto.)

for PILT payments of any kind within this document?

(Response by Mr. Otto.)

(Response by Ms. Favinger.)

MR. GRINDE: So, in other words, you are stating that there is going to be--you will go on record stating that to these three counties there is going to be no economic impact as far as our tax base goes? X-3

(Response by Ms. Favinger.)

MR. GRINDE: That's okay. Take your time.

(Response by Ms. Favinger.)

MR. GRINDE: So there would be a net loss overall to the planning area; is that correct? X-3

(Response by Ms. Favinger.)

MR. GRINDE: Okay. Then I would like to read another statement from this same document that you folks are going by and it states, "The Federal Government should on the basis equitable to both the federal and local taxpayer provide for payments to compensate state and local governments for burdens created as a result of the immunity of federal lands from state and local taxation." I don't see where you have done that. We are going to have a net loss here. Okay. I want to go on a little further.

I have got a couple of other questions that came,

MR. GRINDE: Well, if this is the case and this professional economist did this, why isn't it written into the document that because we are going to lose these AUM's and because of this vision this view shed, if there was a mine, what would that impact he? I don't see that anywhere in this document. Is it in there? E-21

(Response by Mr. Otto.)

MR. GRINDE: Okay. So we are in agreement that there is going to be an economic impact to these three counties somewhat?

(Response by Mr. Otto.)

MR. GRINDE: Okay. I would like to read something from Public Law 94579, and it states, "The public lands should be managed in the manner which recognizes the nation's need for domestic sources of minerals, food, timber, fiber from the public lands, including implementation of mining and mineral policies." How can you come into an area if this is the document that you are going by, that you are authorized to use and allow economic impacts to occur? E-21

(Response by Mr. Otto.)

MR. GRINDE: I would like to touch that one, but at this time I will go on. I want to go further on economic impact. If we lose these AUM's and say some of this ground is taken out of our tax base which you are saying it's going to be an even trade, maybe so, maybe not, have you allowed

I hope you folks will bear with me, because this is very, very important. In the prior meetings--I have attended the Winifred meetings. I attended the Lewistown meetings. I asked at that time have you worked with the State and the State agencies on this? Okay. I would like to have your response again on the State what agencies and who you have worked with on the State level on this plan. Y-37

(Response by Mr. Otto.)

MR. GRINDE: That's the only agency that you visited with?

(Response by Mr. Otto.)

MR. GRINDE: Okay. This is true. By the way, they have, but what I want to know is in one of the last meetings you stated that you worked hand in hand with the Fish and Game on their new elk management plan that would correspond with this document. Have you done that? G-7

(Response by Mr. Otto.)

MR. GRINDE: That's the point that I am getting at. These State agencies haven't been consulted, I don't think, to the extent that they should be, and particularly they have come out with a new elk management plan. I don't know which one you were working with, but I have talked to the director of Fish, Wildlife and Parks, and they feel there have been very little cooperation or work done with you folks, and these folks who have these elk out here and the G-7

Fish and Game, and you also stated in one of the meetings that this state owns the land, it's their problem, but yet you are creating wildlife management out there but you are not going to accept the responsibility. Yet you are not working with these agencies.

(Response by Mr. Otto.)

MR. GRINDE: Okay, but I guess the final question on this point is since there has been a new elk plan adopted by the Fish, Wildlife, and Parks, do you intend to alter this document to correspond with that document?

G-4

(Response by Mr. Otto.)

MR. GRINDE: Okay. I appreciate you answering these questions and I appreciate you folks taking the time. I do have some statements that I would like to put--I do have one more question. I always get one more question, and I want you to be very careful with this, because it's very important on the record and how this plan proceeds. Does this plan in any manner give you the authority to condemn land?

A-9
B-3

(Response by Mr. Otto.)

MR. GRINDE: Let me restate that question. Is this document does it state that you are not going to condemn land?

A-9

(Response by Mr. Otto.)

MR. GRINDE: But in the future there is nothing

A-12

to prevent you people from doing it? It's just that it's in the law right now, federal statutes?

A-12

(Response by Mr. Otto.)

MR. GRINDE: But it doesn't state that in there. Why are you people afraid to put in there in black and white we will not condemn land under this plan?

A-9

(Response by Mr. Otto.)

MR. GRINDE: Thank you.

I want to make a couple of statements on what's taken place on this proposal, and one of the things that didn't come up here they think that I know that you were confronted with last night in the Malta-Glasgow area, because I have been with those legislators down there, and that's the ferrets, and I have no problem. The ferret's not bothering anybody. That's great. We want to keep the ferret around. No problem at all, but to enter in the Endangered Species Act is going to create things like condemnation in the future. You may not be on the board in this plan in a few years. You think about it.

I would recommend--I want this on the record--that the ferret be introduced as experimental non-essential, and that's just a different category that they can be listed under so that it takes these people down there that have private land, that ferret gets on his land, they are allowed to control this animal.

H-44

The scenic view shed that you have set up in here--I think this is the point where you have really gone beyond the scope of what you are trying to set out to do. This is a precedent. I know in the State of Montana it's an absolute precedent. I have been trying to find in the rest of the country if this has been done before. I haven't been able to obtain that--those documents as of this, but what you have done you put too much power in the hands of the few.

Who is going to stand up here on the hill and look out and make decisions on these people's lives? This person could be extreme left fringe group that could be in there. It could be a good common-sense person, but you don't know that. You have allowed too much authority in one area for one person to stand up there or under rule-making authority to say that. I think it's horrifying and I think what you are going to create is a precedent that you are going to see these fringe left groups.

I am not talking about the good environmental groups. There are some of them. These people are environmentalists, by the way, but you are going to create left groups who are going to get ahold of the scenic view thing, and they are going to try to implement this all over this country, because it's their way of stopping things that they don't understand or don't want to be part of.

The economics that are in this you don't have any answers for us. Our PILT payments--there is going to be a deficit there. You don't know what the impact's going to be. It's the same thing with the scenic view. If you cut out one mine or cut out a logging you can't tell us what's going to happen there.

The riparian areas, in my opinion, and I hope like hell I am wrong, they are going to be Class A wildernesses within five to ten years. I will bet you money on it right now. I don't think you people have worked with the locale. I don't know how many of these people are ones that are affected.

I have some land that's under this proposal. I don't think you have worked with the locals here, strictly the people that are effected. The State agencies--you run it by them. They know very little about it, and not to go to the State Land Board, directly to the State Land Board. When you are talking about 113,000 acres of State land that's set out to be traded in this document is not working with State Government.

The condemnation scares everybody, scares me. You can't blame these people for that. When I am in Helena, for you people who don't know, I am also a State legislator in Helena. You draft a piece of legislation and you get people to sponsor it, and you ask and you go around and ask

for their signatures on it. It's a real joke up there, because you might come to them with a 200-page bill and you say, "Good bill; trust me; sign this bill; trust me." That's the problem that we are having here. It's not with you people that have set up this project. You mean well. We are--we are not--nothing personal going on here, but you haven't given these people enough solid concrete evidence of what you are going to do. It's so open-ended. It allows us no recourse in the future if this goes through. You don't have the trust of these people that are involved in it. This is so wide of parameters and so broad I don't think anybody here understands it. I guess that you can see and all these people that worked on it and you, director, who has come in at a hard time, these people don't like this proposal. I mean it's evident. These people are the stewards of the land that you are affecting. These are the people that make their living off this land that you are affecting.

These are the people that make their living off this land that you are affecting. These are the people that support this community that you are affecting. When you go back and decide what to do with this plan, I hope you will take these people into consideration, not the liberal left out of Washington, D. C., but the people that have to live on a daily basis. I really hope that you will take that into consideration. Give us something we can trust.

(Response by Mr. Otto.)

MR. FOSTER: Eldon Foster.

(Response by Mr. Otto.)

MR. FOSTER: Is there anybody here that likes any part of this plan? Raise their hand. Is that--I would like that in the record that no BLM employees raised their hands.

(Response by Mr. Otto.)

Y-1 VOICE: Can the plan be aborted? I mean no action taken?

(Response by Mr. Otto.)

VOICE: That sounds good to me.

MR. TROW: I so move.

Y-1 VOICE: What has the environmental impact statement cost so far? A million dollars? $00,000?

VOICE: They don't figure it that way.

(Response by Mr. Otto.)

(Response by Mr. Mejerus.)

MR. HELLER: That $900,000--does that come from the prairie dogs and ferrets?

(Response by Mr. Mejerus.)

Y-15 MR. HESLE: Whose decision is it to pick Alternative A?

(Response by Mr. Otto.)

MR. HESLE: Who is the selecting official?

(Response by Mr. Otto.)

Make this thing tighter. Work with these people, and maybe we can get something accomplished, because the whole proposal is not bad, but you have gone too far. You got to give these people something that they can trust, and they don't trust you, so I hope you can do that.

The only other thing that I would like to do before you quit tonight I would like to know what your parameters Y-35 and procedures are going to be when this meeting is over and when that December 15th deadline comes due. I think it's December 15th. Then where do you go from there and what can we do as a community?

Thank you.

(Response by Mr. Otto.)

MR. HAUPTMAN: I presume that the meeting in Malta went about like this.

(Response by Mr. Otto.)

MR. HAUPTMAN: Doesn't it occur to you perhaps thought--Mike, the reason I ask you this if Malta was like it is tonight. You have had absolutely hundred percent negative response to this affair. Who, pray tell, is in favor of it?

(Response by Mr. Otto.)

MR. HAUPTMAN: Not everybody--

(Response by Mr. Otto.)

MR. FOSTER: Maybe I can help with your analogy.

MR. HESLE: Is he at this meeting tonight?

(Response by Mr. Otto.)

MR. TROW: My name is Joe Trow, and I would like to ask--Mr. Otto said that the plan had to go through. If the plan is fifteen years we could put a fifteen-year moratorium on it and you don't stop the plan or anything. I mean it's a simple common knowledge, State of Montana, we put a moratorium on things. This plan is in the process that it could have a moratorium put on before the final plan. Once the final plan is put out then it happens what Mr. Otto says. Until then these people here can request a moratorium put on the plan.

Thank you.

Y-1 MR. FLENDERS: My name is Flenders. I am wondering is this the only area in the United States or Montana where this plan is being put into effect or studied.

(Response by Mr. Otto.)

MS. LEININGER: My daughter lives in Minnesota, and she says in North Dakota and South Dakota the people aren't even allowed now to mow the grass along the sides of the road. That cannot be mowed, so this winter they are going to have impassable roads.

(Response by Mr. Otto.)

MS. LEININGER: No. BLM.

(Response by Mr. Otto.)

MS. LEININGER: Whatever. She says that goes along with this, that those roads cannot be mowed. The grass along the roads cannot be mowed anymore.

(Response by Mr. Otto.)

MS. LEININGER: Or South Dakota. One or the other.

(Response by Mr. Otto.)

MR. BREVIG: My name is Clark Brevig. You said that all BLM land requires a plan. That's in all the states of the United States; right?

(Response by Mr. Otto.)

A-1 T-11 Z-10

MR. BREVIG: Now, why does the plan cross into the private land? There is a drastic difference here. You are supposed to do a plan on the BLM land, but here you have hundreds of thousands of acres of private land that you have a plan on. Where does it state in that public law that you are required to plan private land? Where does it state that? Is that law in writing?

A-1 T-11 Z-10

(Response by Mr. Otto.)

MR. BREVIG: I understand that. You said you did the plan on your land. Then you picked out this private land that you want to acquire, so you did plan on it. Does it state that in that law that you are--that you are allowed to do planning on private land? Is it in writing in that law that you are using?

A-1

(Response by Mr. Otto.)

on the ACEC, this view from Lewistown, you only deal with the BLM land unless you can find private landowners that would sell to you, protect the whole damn thing. Why would anybody in their good sense take this little chunk of the mountain here and preserve it but this private landowner could do whatever he wanted with his? He might strip it, log it, or he might let some mining operation go in there. What kind of a view do you have? It's ridiculous. Collar Gulch. Maybe all of these fish live in my part of the creek. Do you ever think about that? Maybe all those fish are there. You are telling these people that you haven't in your plan said, okay, you know, here is this private ground. We will get it. You are saying it, because your plan is nothing until you can acquire that private ground, and the Collar Gulch thing, and then this view shed--it's ridiculous. By the way, I don't like the view of Lewistown from up on top of Limekiln, you know, but I like what goes on in Lewistown. I like the people and the community, but I don't necessarily like the view. I am going to get that changed.

J-8 J-11

Thank you.

(Response by Mr. Otto.)

MS. CASBEN: My name is Mike Casben, and alluding to my earlier comments is there anything in the law that prevents you from disposing of checkerboard lands? It seems that it does present a management problem. Difficult to

A-46

MR. BREVIG: So you have it in writing, basically, any land that you can do a plan on; right?

A-1

(Response by Mr. Otto.)

MR. BREVIG: Does it not? Would you agree with me that if you have a piece of land and it is designated ACEC and it's possible that, and I think Gene mentioned it in the last meeting, his exact words, if I remember right, and I might not, we will deal with those lands one way or the other. I mean there inadvertently is a condemn order hanging over those lands; am I not right? Even though you have never condemned those lands it's still there; isn't it?

A-9

(Response by Mr. Otto.)

MS. LEININGER: Can you tell me why the description of the land in one of my places is only two descriptions in here that says ALL in capital letters?

A-47

(Response by Mr. Otto.)

MS. LEININGER: I realize that, but then you picked out one area, in the area of choice, part of my farming country, my farming land. You have got ALL in capital letters, and that takes it all.

(Response by Mr. Otto.)

MS. LEININGER: In that area it would be all.

(Response by Mr. Otto.)

MS. LEININGER: You are not going to get it.

MR. HANLEY: Jerry Hanley. So you just stated

get into. Difficult to manage. The adjacent landowners would probably be happy to have them breaking off, consolidating the land. Would make it much more efficient and saving the taxpayers a lot of money. Is there anything that prevents that?

(Response by Mr. Otto.)

MR. JENNINGS: We received a map, well, from the book you said map our acquisition acres. We also on the ranch received a letter--two pages of sections and lots that you wanted. They don't jive. There are several sections on the description that you give that aren't indicated on the map. Which one is correct?

A-54

(Response by Mr. Otto.)

MR. JENNINGS: It's larger than what's on the map.

(Response by Mr. Otto.)

VOICE: I would like to know if it took three years to come out with this manual why weren't the landowners notified. You have said our land would be studied for inclusion in the ACEC. Why weren't we notified, find out about these manuals and your maps?

Y-24 A-7

(Response by Mr. Otto.)

VOICE: I never did.

(Response by Mr. Otto.)

VOICE: That was after you came out with the book.

(Response by Mr. Otto.)

MR. GJERDE: This really isn't a question. It's kind of a point of in--Russ Gjerde--kind of a point of information that's relative, I believe, to what we have been talking about. There is a new video out called "Buffalo Comments." I think it would behoove everybody in here to see that. It deals with the modern range wars and the history repeating itself.

VOICE: What's the name of it?

MR. GJERDE: Buffalo Comments.

(Closing by Mr. Otto.)

(The public hearing was then concluded at the hour of 10:22 p.m., this 2nd day of October, 1991.)

C E R T I F I C A T E

I, Harry G. Rauch, a Certified Shorthand Reporter, a Registered Professional Reporter, a District Court Reporter, and a Notary Public in and for the State of Montana, do hereby certify that I took down in stenotype the proceedings had on the subject Hearing at the time and place hereinbefore set forth and that the foregoing ninety-four (94) pages constitute a full transcription of the testimony given by the public of said proceedings.

Dated this 17th day of October, 1991.

Harry G. Rauch
Certified Shorthand Reporter,
Registered Professional Reporter,
District Court Reporter
and
Notary Public

RESPONSES

ACQUISITION AND DISPOSAL

A-1

As part of the land use planning process, BLM developed guidance outlining the kinds of decisions that must be made in an RMP. This guidance includes the identification of lands that meet specific criteria for both disposal and acquisition. Although there is no obligation to do either, lands identified for potential disposal or acquisition must be considered within the land use planning process, prior to any action. This is the case for the draft RMP/EIS, where lands were identified for potential acquisition in order to increase efficient management; facilitate sound resource management and; consolidate land patterns. This in no way requires BLM to act. This process simply provides the basic land use evaluation necessary to pursue an acquisition, should a willing proponent and/or seller propose a sale or exchange. BLM is not proposing to acquire land in order to increase its total acreage, but expects the total BLM acreage will decrease during the life of the plan.

As outlined in Chapter 1 of the final RMP/EIS, the land acquisition and disposal issue surfaced during the initial scoping process. BLM identified certain lands for disposal because of their fragmented ownership pattern and lack of significant resource values. These lands could be used to consolidate other land holdings for both BLM and private landowners. Also, BLM is often approached by individuals or organizations who want to exchange lands to meet private or public needs. Consequently, land acquisition and disposal was one of the issues addressed in the draft RMP/EIS.

A-2

BLM lands are identified for disposal through exchange under the authority of Section 206 of the Federal Land Policy and Management Act (FLPMA) or for sale under Section 203 of FLPMA. The criteria used to identify parcels for disposal are shown in Appendix A of the final RMP/EIS. Lands identified for disposal are usually widely scattered parcels which are difficult for BLM to manage with limited public values. Some of these widely scattered parcels do not have legal access.

A-3

Resource specialists in the Judith, Valley and Phillips Resource Area (RA) Offices identified the lands that met the acquisition criteria shown in Appendix A. Outside groups were not involved in this process.

A-4

The lands identified in the draft RMP/EIS met the acquisition criteria for values such as access, riparian-wetland area management, elk and bighorn sheep habitat management, areas of critical environmental concern (ACECs), recreation and other wildlife habitat. The final RMP/EIS does not include a list of lands that meet the acquisition criteria.

The BLM lands identified for disposal are largely small tracts without public access, are isolated within other ownerships and do not contain significant resource values. Until these lands are disposed of, they will be managed under the guidance in the final RMP/EIS.

The criteria for both disposal and acquisition are shown in Appendix A.

A-5

Over the last 10 years, BLM has acquired 20,633 acres and disposed of 25,286 acres for a net loss of 4,653 BLM acres within the planning area.

A-6

The amount of land meeting the acquisition criteria in the draft RMP/EIS was much larger than the acreage meeting disposal criteria because BLM will only acquire land from people who are willing to exchange. Since only a fraction of those who own land that meets BLM acquisition criteria would be willing to exchange, BLM must identify a much larger pool than could actually be acquired. Other reasons that require a large acquisition pool include willing sellers listing (and selling) their lands on the open market at the same time they are working on an exchange with BLM and the time frames involved in a BLM land exchange discourage some landowners.

The draft RMP/EIS identified approximately 166,000 acres for disposal. This disposal base would provide the potential for acquiring approximately 115,000 acres based on historical land exchange ratios; a potential net loss of 51,000 BLM acres. The acreage identified for acquisition in the draft RMP/EIS would provide a large enough base to meet these historical variables and still allow BLM to exchange the 166,000 acres identified for disposal.

A-7

The landowners with parcels meeting acquisition criteria were contacted with individual letters in June, 1991, before the draft RMP/EIS was released. That letter informed the landowners that land acquisition and disposal was one of the issues discussed in the RMP/EIS; discussed with them that one or more parcels of their land met acquisition criteria; and encouraged them to review and comment on the draft RMP/EIS.

The draft RMP/EIS was released in July, 1991, and BLM soon began a series of public meetings to discuss this and other issues with the public.

These landowners were contacted again in October, 1991, with individual letters advising them that if they did not wish to pursue an exchange with BLM they could easily have their lands dropped from the RMP/EIS process.

A-8

Appendix A in the final RMP/EIS includes a summary of the land exchange and sale processes.

Public lands disposed of through the exchange pooling process are usually offered to grazing lessees or adjoining landowners at fair market value, plus whatever fee a facilitator may propose. The exchange pooling process has provided the grazing permittee the first opportunity (not a right) to acquire BLM land within the respective grazing allotment. However, any citizen of the United States over 18 years of age; any corporation subject to the laws of any state and of the United States; a state, state instrumentalities or political subdivisions; and any entity legally capable of conveying and holding lands or interests within a state where the land is being sold can buy public land. Only parcels identified for sale could be sold under a competitive bid procedure.

Any person or entity legally capable of conveying and holding land and interests therein, under the laws of the state within which the land or interest is located may exchange for BLM land. Such a person shall be a citizen of the United States, or in the case of a corporation, shall be subject to the laws of any state of the United States.

BLM land identified for exchange would be subject to evaluation and the possible retention of cultural, mineral, wildlife and riparian-wetland resources. An environmental analysis (EA) and a Notice of Reality Action (NORA) would be completed for each disposal action. The EA and NORA would evaluate each individual land exchange and protect against disposing of valuable wildlife or other resources, while allowing the opportunity for public involvement on all land exchanges and/or sales.

A-9

The draft RMP/EIS states that "Acquisitions could occur by exchange or purchase through negotiation with willing landowners." Throughout the public participation process BLM consistently said that all acquisitions would be with willing landowners and the RMP/EIS would not use condemnation for acquisitions. The preferred alternative has been revised in the final RMP/EIS to include a statement that "BLM recognizes and respects private property rights and would not use condemnation to implement land tenure adjustment under this land use plan." There is no exchange or purchase process without willing sellers.

A-10

Once a BLM parcel becomes private property, fencing, maintenance and other management decisions become the responsibility of the new landowner (in the case of fencing, the adjacent landowner may share the responsibility).

Management of newly acquired BLM land would be based on the needs and objectives identified for the acquisition and the same multiple-use mandate that applies to all BLM lands.

Any change in animal unit months (AUMs) on newly acquired land would depend on the reasons for the acquisition; future management prescriptions; and would be at the discretion of BLM. Grazing administration regulations, 43 CFR parts 4100, specify who will be authorized to graze the forage from additional land, if the forage is allocated to livestock grazing. Willing sellers would not have a contract with BLM for the grazing privileges, but would be informed of BLM's future plans on acquired lands.

Where more than one qualified applicant applies for grazing use of the same acquired lands, grazing use is determined on the basis of any of the following factors: historic use of the public lands; proper range management and use of water for livestock; general needs of applicant's livestock operation; public ingress and egress across privately owned or controlled land to public land; topography; and other land use requirements unique to the situation.

Grazing allocations on lands acquired for administrative purposes, recreational opportunities, riparian-wetland management opportunities and wildlife habitat values average 17-29% less than the private land stocking rate.

A-11

The preferred alternative in the final RMP/EIS has been revised to reflect Alternative A, current management. BLM would pursue acquisitions as opportunities arise through exchange or purchase with willing proponents and/or sellers. The final RMP/EIS does not include a list of lands that meet the acquisition criteria.

Land exchanges may include BLM land within or outside the planning area. The preferred alternative has been revised to clarify that "during any purchase or exchange action, BLM would attempt to maintain the respective county tax base and allow no overall net gain in BLM land over the life of this plan." BLM would monitor land tenure adjustments to identify potential problems in achieving this objective. BLM cannot guarantee maintaining a tax base or no net gain in BLM lands on a county basis since exchanges could involve lands in more than one county and differing land values.

The preferred alternative in the final RMP/EIS identifies approximately 162,000 BLM acres for disposal. These lands also meet the sale criteria to facilitate an individual land exchange or meet other plan objectives. Based on previous land exchanges, this disposal base would provide the potential for acquiring approximately 115,000 acres of other land. This would be a potential net loss of 51,000 BLM acres which reflects the differing market value of the lands involved.

A-12

Any change in the decisions in this RMP would require an RMP amendment and associated public participation.

A-13

In the draft RMP/EIS the land identified along Frenchman Creek met the acquisition criteria for its winter range, native habitat and associated spring and fall transition area values and because it provides security areas for big game. The final RMP/EIS does not include a list of lands meeting the acquisition criteria.

A-14

In the draft RMP/EIS, some lands along Rock Creek were identified that met the acquisition criteria. The final RMP/EIS does not include a list of lands meeting the acquisition criteria.

A-15

Exchanges and/or sales would be made at fair market value as determined by qualified appraisers. Presently, appraisals are completed by the BLM appraisal staff in the Montana State Office in Billings. A landowner has the option of providing a private appraisal by a Montana State Licensed Appraiser. This appraisal is subject to review and concurrence by the BLM Chief State Appraiser.

Appraisers determine the highest and best use of land involved in a purchase or exchange action. In determining the highest and best use, appraisers take into consideration historical use, present use, significant potential uses and trends. Once the highest and best use is determined, comparable land sales containing the highest and best use are employed to establish a fair market value. For example, if the highest and best use is for grazing, then comparable land sales for grazing land are used. Or, if the highest and best use is for recreation land, comparable sales for recreation land are used.

BLM does not have any appraisals on BLM lands identified for disposal or lands identified that met the acquisition criteria, unless the lands are involved in an ongoing exchange process or past efforts not yet concluded.

A-16

BLM did not develop an advisory committee for the land acquisition and disposal issue.

A-17

In some instances, an exchange facilitator is used to expedite a pooling exchange of BLM and private land. Appraisers establish a fair market value for lands involved. Any amount beyond that is between the private landowner and the facilitator.

A-18

The lands identified in the draft RMP/EIS which met the acquisition criteria (described in Appendix A) were shown on Map 1 in the draft RMP/EIS.

A-19

BLM and the private landowner can exchange, on a willing basis, for either surface estate, mineral estate or both.

A-20

A grazing permittee would not be reimbursed if AUMs are lost through an exchange. However, the permittee or lessee shall be compensated for their interest in authorized range improvements when a permit or lease is canceled because the BLM land is devoted to another purpose, including disposal.

A-21

Under the preferred alternative in the draft RMP/EIS, 113,977 state acres were identified that met the acquisition criteria. The Department of State Lands

(DSL) was notified and provided a list of the legal descriptions. DSL did not comment on the draft RMP/EIS.

A-22

BLM would only have jurisdiction over the mineral rights owned by the United States. The use of private minerals under public surface cannot be denied. For additional information please refer to response A-19.

A-23

Our regulations do provide for compensation of improvements as stated in 43 CFR 2201.1 (c) and 2201.7 (c). Also, 43 CFR 4120.3-6(c) states that the permittee or lessee shall be compensated for their interest in authorized range improvements when a permit or lease is canceled because the BLM land is devoted to another purpose including disposal.

A-24

The decisions in the final RMP/EIS will guide BLM's management prescriptions, even if no lands are exchanged.

A-25

Approximately 120 acres in the South Moccasin Mountains have been identified for disposal in the final RMP/EIS. This is an isolated tract and would not be included in the Judith Mountains Scenic Area ACEC under the preferred alternative in the final RMP/EIS.

A-26

Significant cultural resources, identified during inventories in support of land disposal actions, will either be retained in federal ownership and managed for their values or mitigative measures will be sought to offset their loss. The increase in inventory information is considered a net positive impact.

A-27

Chapter 4 describes the environmental, economic and social consequences of implementing the alternatives presented in Chapter 2. The impacts were identified and evaluated by an interdisciplinary team of resource specialists and are presented for 12 environmental elements by issue, including land acquisition and disposal. The cumulative effects are part of this analysis and a Summary of Cumulative Effects is included within Chapter 4.

A-28

The First Creek reservoir is owned and maintained by Don Holzhey to the best of our knowledge. It was not identified for acquisition in the draft RMP/EIS.

A-29

A 12-month basis was used to show the number of livestock that would be lost to the tax base as a result of reductions in forage allocations made when private land is transferred to BLM. Because these lands are not yearlong ranges, the 12 month basis may underestimate the effect on livestock numbers. However, it does represent the actual loss in AUMs over a year and the number of livestock that would be supported by those AUMs for a year. The reduction of 2,591 cattle would occur only if the total 631,719 acres of private and state lands identified in the draft RMP/EIS as meeting acquisition criteria were acquired.

In addition, it is estimated that a reduction of 31,116 AUMs could reduce economic activity attributable to livestock production by approximately $2.2 million in the planning area ($1.4 million in Phillips County), page 204 of the draft RMP/EIS. The estimated increase of $1.9 million in economic activity in Phillips County refers to the potential increase in crop production that could occur on lands disposed of by BLM, not livestock production.

Please note that the estimated impacts for the Land Acquisition and Disposal Issue in the final RMP/EIS have been substantially revised, for two reasons: 1) the final RMP/EIS does not include a list of lands that meet the acquisition criteria; and 2) the original estimates of increased crop production incorrectly assumed that acreage would be in production every year instead of every other year. Therefore, the estimated increase in economic activity from increased crop production was overstated. This has been corrected in the final RMP/EIS.

A-30

This land does not meet the disposal criteria. It is adjacent to the Lewis and Clark National Forest; contains a parking area that is essential for continued winter recreation; contains portions of both snowmobile trails and cross country ski trails; is forested; and has excellent legal and physical public access.

A-31

Based on previous land exchanges over the last ten years, 41% of the BLM land disposed of is now farmed. After completion of a land exchange, it is the discretion of the private landowner whether to convert rangeland to cropland.

A-32

The plats in the Fergus County Courthouse show that the 40 acres in Collar Gulch belong to Helen W. Goll.

A-33

These concerns are discussed in the Environmental Consequences section of the final RMP/EIS, Chapter 4. BLM has identified the additional delay and increased restriction on federal leases over private and state lands.

A-34

The increases in recreation opportunities discussed in the draft RMP/EIS (Chapter 2, Alternative E, Land Acquisition and Disposal) were estimated to result in $1.3 million annually in additional direct and secondary spending in Phillips County. This estimate was based on the level of current recreation activity (estimated to contribute $3.8 million annually in direct and secondary spending) and the potential for increased activity. If the preferred alternative in the draft RMP/EIS were fully implemented, it is estimated that recreation opportunities could increase about 34% in the Phillips RA. This was the basis for the estimated increase of $1.3 million in economic activity.

Under the Land Acquisition and Disposal Issue in the final RMP/EIS, no estimate of increased recreation opportunities is specifically identified. Any increases in recreation opportunities, that translate into increased economic activity, will depend on the values for which land is acquired.

A-35

The Cornwell Ranch lands were identified as meeting acquisition criteria because of their riparian and wildlife habitat values. The final RMP/EIS does not include a list of lands that meet the acquisition criteria.

The Buggy Creek Allotment Management Plan (AMP) is an excellent example of cooperative management. The Bureau is not abandoning cooperation in management. The riparian objectives of the AMP and the design of the grazing plan provide for sound management of the riparian resource, which is largely on private land. The two primary goals of public ownership of these lands would be: access and consolidation of ownership. Under public ownership, access to surrounding BLM land would be ensured and isolated lands of low public value would be disposed of.

A-36

The lands in (T. 27 N., R. 28 E., Sec. 30: SW1/4, S1/2SE1/4; T. 27 N., R. 27 E., Sec. 21: SW1/4SW1/4, SE1/4NW1/4, NE1/4; T. 26 N., R. 28 E., Sec. 7: All the BLM lands) are on the disposal list in the RMP/EIS and would be available for exchange. These lands may also be available for sale to facilitate an individual land exchange or meet other plan objectives. For purposes of a sale, these lands meet FLPMA disposal criteria (Sec. 203(a)(1)). BLM land identified for disposal would be subject to further specific evaluation and if significant values are found, they may be retained under BLM management.

The land in T. 27 N., R. 28 E., Sec. 31: NE1/4NE1/4, is state land which is not under BLM jurisdiction. The BLM lands that TEE Bar Land and Livestock is interested in acquiring (T. 26 N., R. 27 E., Sec. 15: NW1/4NW1/4; Sec. 5: W1/2, T. 27 N., R. 27 E., Sec. 32 & 33: All BLM Land) are not on the disposal list because they are adjacent to larger blocks of BLM land and will be retained in public ownership.

A-37

BLM is not aware of any information or data that property values of lands identified for acquisition in this or any other RMP would be affected, either positively or negatively. The final RMP/EIS does not include a list of lands that meet the acquisition criteria.

A-38

BLM does not favor creating split estate due to the management difficulties often created. Minerals are exchanged with the surface when it is beneficial to overall management. This is not always possible when disposal and acquisition mineral potential is not comparable; or when the minerals are owned by parties not involved in the exchange. The overall impact to minerals from creating split estate, while undesirable, are not significant.

Retaining all lands prospectively valuable for mineral resources is not practical because: virtually all lands in the planning area are prospectively valuable for some mineral commodity; and the overall benefit of any land tenure adjustment must consider the impacts to all resources, not just minerals. Impacts to mineral development will be evaluated and considered in National Environmental Policy Act (NEPA) documents prepared for each specific exchange.

A-39

The information on page 133 in the draft RMP/EIS describes the resources in the planning area and what activities have taken place. The five sales mentioned on page 133 were not completed to accomplish this plan, but occurred during the last 10 years.

A-40

Most acquisition data came from resource specialists reviewing BLM policy, procedures and the acquisition criteria and then applying that

information to a given region. The survey is general, using maps and aerial photos.

A-41

Land exchanges are made on an appraised value for value basis and not acre for acre. The mineral rights are part of the total package of rights and can be exchanged as well as the surface estate.

A-42

While the Larb Hills area does have considerable private land, the area has high value resources (winter range) for public land management. An exchange of four 40-acre tracts (160 acres) is difficult to justify in terms of cost, efficiency and overall benefit to the public.

A-43

This land parcel meets BLM's disposal criteria. It is isolated in nature and does not lend itself to efficient multiple-use management.

A-44

Lands previously listed for disposal were identified on a case-by-case need for land exchange purposes. As part of the RMP/EIS, BLM looked at all resources and their needs and reevaluated land tracts based on a broader spectrum of resource criteria. That is why the status of these lands changed.

A-45

An RMP is expected to last 10 to 15 years. Any land exchange proposed by a landowner would have to meet the criteria in Appendix A and the intent of this RMP.

A-46

The Federal Land Policy and Management Act permits BLM to dispose of checkerboard lands, provided that they meet exchange and/or sale criteria. BLM is responsible for identifying those lands that meet the criteria.

A-47

The "ALL" refers to all the lands within that particular section.

A-48

Approximately 6,946 acres of the lands listed for disposal are withdrawn by the Bureau of Reclamation (BR) and BLM. The BR withdrawn lands are on the disposal list because they have the potential of returning to BLM's jurisdiction upon completion of the withdrawal review process. This process involves reviewing withdrawals and classifications regarding their revocation, modification and continuation. The BLM withdrawn tracts are for powersite classifications and reserves and if the withdrawals are terminated, disposing of the isolated tracts would be more probable.

A-49

Land exchanges or purchases would be at fair market value based on the appraised value of the lands involved. The draft RMP/EIS analyzed the changes in property taxes, Payment In Lieu of Taxes and other economic impacts as a result of land acquisition and disposal (pages 199 to 205 of the draft RMP/EIS). The analysis does not indicate any change in the value of adjacent non-acquired land. Please refer to response A-11 for additional information.

A-50

Funds to purchase land come from Land and Water Conservation Funds, which are appropriated by Congress. There is competition for Land and Water Conservation Funds among federal agencies and offices within agencies, based on justification. Higher priorities by other agencies or offices within agencies could reduce the amount of funds available during the distribution process. However, every year the justifications are reviewed and unfunded projects could become funded.

A-51

The criteria used in the draft RMP/EIS to identify parcels for acquisition did not include any related to suitability for development of a waste site. BLM policy does not allow establishing hazardous or nuclear waste disposal sites on lands under its administration. However, another agency, such as the Department of Energy, may request through Congress that certain lands be transferred to their jurisdiction for such purposes. Both existing and future BLM administered lands would be susceptible to such requests; as would those lands of any other federal agency. At this time, BLM is not aware of any interest on the part of DOE in establishing a waste disposal site in Montana.

A-52

The 631,719 acres meeting acquisition criteria were recommended under Alternative E in the draft RMP/EIS. This was within the scope of this land use plan. Please refer to response A-6 for additional information.

A-53

In certain instances, BLM would consider acquiring conservation easements or other easements. However, BLM is a multiple use management agency and by not acquiring the full package of rights where possible, BLM would not have a multiple-use management option.

A-54

The legal description is correct. The final RMP/EIS does not include a list of lands that meet the acquisition criteria. Please refer to response Z-2 for additional information.

ACCESS TO BLM LAND

B-1

The areas identified for access are addressed in Chapter 2 and shown on Map 3 in the final RMP/EIS.

Many small BLM tracts within other ownerships have been identified for disposal and there is no need to pursue access to them. However, other isolated BLM land parcels do have moderate to high resource values and are to be retained in federal ownership. Access needs to these parcels is determined on an individual basis. Some larger tracts of BLM land have limited public access, but require additional public access.

The preferred alternative identifies 71,793 acres as needing new legal public access and 1,126,858 acres needing additional legal public access. The areas identified for new or additional access will guide access needs over the life of this plan (10-15 years). New Year Peak, Pyramid Peak, Armells Headwaters, Chicago Gulch, Fox Peak, Lewis Peak, Lookout Peak, Black Butte, Square Butte, the North and South Moccasin Mountains and the Missouri Breaks would be priority areas for increasing legal public access.

B-2

In many instances BLM does not have legal access to BLM land. In order to acquire easements, a private landowner is paid an appraised value for granting those rights to the U.S. Government. Money for easement acquisition is appropriated by Congress and allocated to the various states. Donations of easements can also be accepted by the U.S. Government.

B-3

Access would be accomplished primarily by easements. Other methods include, but are not limited to land exchanges, cooperative agreements, Land and Water Conservation Fund acquisitions, or patent reservations.

As a last resort, condemnation could be used for access. All efforts to acquire access, with an agreement that is equitable to all parties involved, would be exhausted before condemnation would be used. The lands so acquired would be confined to as narrow a corridor as necessary to serve such purpose. BLM would pay for such access and any necessary maintenance.

B-4

Access is the public's ability to get to BLM land. Access would be pursued to BLM land where no legal public access exists and/or where additional access to major blocks of BLM land is needed.

Off-road vehicle (ORV) designations manage movement on BLM land. Once access is acquired, ORV restrictions may be placed on certain lands. Some of these areas would have seasonal or yearlong restrictions depending upon the resources present.

B-5

BLM would not use block management to acquire access. Access would be accomplished primarily by easements or land exchanges. Block management is a program between the Montana Department of Fish, Wildlife and Parks (MDFWP) and private landowners. The BLM could cooperate in such a program.

B-6

In most cases neither the private landowner nor the BLM would be liable for accidents. If it can be proven that a road was inadequately constructed, liability may fall on the party responsible for construction or maintenance.

B-7

During activity planning and/or route analysis, access may be defined as foot, horse, trail or road and the actual route would be defined. This may include existing roads and could limit the type of access, depending on the resources present and overall need. The type of access would depend on the resources present and overall need. For example, access to the Square Butte ONA ACEC would be pursued for a trailhead as well as a trail network to the butte, but access within the ACEC would be limited to hikers, horseback, etc.

B-8

Pyramid Peak's proximity to Lewistown, the limited amount of BLM land in the immediate area and the trend of more and more private land being posted off limits to the general public makes this an important parcel for public access.

B-9

On BLM land, public access routes and boundaries would be signed and restricted travel areas would be identified and mapped. BLM would develop public information programs, monitor use and enforce regulations. BLM does not have the authority to control use on private land.

OFF-ROAD VEHICLE DESIGNATIONS

C-1

The ORV designations in the Valley RA were based on known conflicts and designed to reduce adverse impacts, while leaving most of the RA open to off-road travel.

Vehicle travel in the southern portion of this RA (approximately 162,000 acres) would be restricted seasonally (9/1 through 12/1) to designated roads and trails to protect fragile soils, maintain and improve water quality and reduce user and landowner conflicts. The designated roads and trails are shown on Maps 4 and 5 in the final RMP/EIS.

C-2

Vehicle travel in the southern portion of the Phillips RA (166,720 acres) would be restricted seasonally (9/1 through 12/1) to designated roads and trails to protect fragile soils, maintain and improve water quality and reduce user and landowner conflicts. These designated roads and trails are shown on Maps 4 and 5 in the final RMP/EIS. Designating the prairie dog towns within the 7km complex as an ACEC would not change these off-road travel restrictions.

Off-road travel in two other areas in this RA (2,120 acres in the Big Bend of the Milk River ACEC and 80 acres in the Camp Creek and Montana Gulch Campgrounds in the Little Rocky Mountains) would be restricted yearlong to designated roads and trails.

C-3

Even in restricted areas, off-road travel for administration of a federal lease or permit, unless specifically prohibited, is granted.

C-4

BLM would pursue cooperative agreements with state and local law enforcement agencies and use BLM law enforcement rangers to implement and monitor ORV restrictions. The Bureau does not anticipate a large number of personnel involved with enforcement, but would implement a signing and public outreach program (brochures) and publish maps that show boundaries and travel restrictions.

This RMP/EIS identifies the areas with differing ORV designations and will serve as part of the off-road travel implementation plan.

C-5

The preferred alternative in the final RMP/EIS restricts ORV use on 656,296 acres in the planning area to designated roads and trails from 9/1 to 12/1. These seasonal restrictions reduce ORV impacts, while leaving most of the planning area open to ORV use.

The preferred alternative has been revised to allow off-road game retrieval. In some areas, retrieval may be restricted.

The preferred alternative allows motorized access off designated roads and trails for the non-ambulatory handicapped, as defined by Montana law.

C-6

The coordinated resource management plan (CRMP) committee focused, for the most part, on Valley County and the areas ORV problems. The CRMP committee recommended the entire county have an ORV designation limiting motorized vehicles to existing roads and trails, but allow exceptions for game retrieval, camping and handicapped access. This recommendation conflicted with needs in the other resource areas, where certain BLM parcels had no known conflicts and could be left open and other areas with severe conflicts and enforceability problems with ORV exceptions. In balancing the CRMP committee recommendations with the other area needs in the draft RMP/EIS, BLM expanded limited designations in some areas; reduced the acreage involved in Valley County; included the exceptions for camping and the handicapped, but eliminated the exception for game retrieval to provide greater enforceability; and left a good deal of all three resource areas open. For additional information please refer to response C-5.

C-7

A small portion of the BLM land adjacent to the southwest corner of the Fort Belknap Indian Reservation would be restricted seasonally to designated roads and trails (see Map 4 Side B in the back pocket of the final RMP/EIS). The rest of the BLM land adjacent to the reservation would be open to off-road travel.

C-8

The ORV restrictions on BLM land both north and south of the Missouri River are designed to reduce the majority of adverse impacts and conflicts. The system for the Judith RA allows access into the area, while providing habitat security and reducing conflicts between motorized and nonmotorized recreation. The seasonal road closure in the Judith RA is based on access density and problems with new roads being formed. The system in the Valley and Phillips RAs allows access while providing

habitat security, protecting vegetation and soils, and reducing conflicts between landowners and recreationists. The difference in restrictions reflects the difference in the resources and conflicts identified both north and south of the Missouri River.

C-9

These roads both serve BLM land areas that have been identified as needing additional public access. However, the actual roads or trails that may be granted to the BLM through a right-of-way is up to negotiation with the private landowners on a case-by-case basis.

C-10

Because no ORV problems have been identified in the White Rock Coulee area and the topographic relief is not as great as in the Breaks, this area was not included in the preferred alternative.

C-11

Off-road travel would be restricted to designated roads and trails to prevent resource damage and reduce social conflicts. While a few roads may be closed from September 1 to December 1, most roads would be designated open.

C-12

Most ORV activity occurs during the hunting season, September 1 to December 1. Almost all wildlife harassment occurs during that time. Implementing the ORV restrictions (closed, limited seasonally, or limited yearlong) would protect most wildlife in crucial habitat areas from harassment during the hunting season. Once the hunting season is over, wildlife harassment ceases.

C-13

Due to the proximity of this BLM land tract to Lewistown and the historical usage by recreationists without damage, this is an appropriate use of this area in keeping with the Bureau's multiple-use philosophy.

C-14

BLM has no specific data on ORV use in the spring period for the Breaks. Compared to the fall season, there is very little spring ORV use and BLM has observed no impact to soil and water quality from spring ORV use. If monitoring indicates ORV damage during the spring months, appropriate restrictions would be considered.

C-15

The final RMP/EIS has been revised to reflect the change.

C-16

The recreation and economic effects of not allowing game retrieval were considered in the analysis of impacts. It was recognized that off-road travel would be negatively affected, while walk-in hunting opportunities would increase in both quality and quantity (see pages 193 and 206 of the draft RMP/EIS).

C-17

The standard fine for ORV violations is $50.

C-18

Each resource area office recommended which roads should be designated open within areas limited to ORVs.

C-19

As in the draft RMP/EIS, vehicle access for camping would be permissible within 100 yards of designated roads and trails. The preferred alternative has been revised to include an exception to the 100 yard distance on a case-by-case basis through the use of a special use permit.

C-20

As stated on page 82 of the draft RMP/EIS "BLM land in the Highwoods, Belts, Snowy, North and South Moccasins and Judith Mountains would be restricted yearlong to reduce user conflicts, reduce wildlife harassment and provide habitat security (38,597 acres)." This includes about 3,200 acres of public land administered by BLM in the North Moccasin Mountains.

C-21

The exceptions would apply to areas limited to ORVs, but not closed areas. The management objectives for limited areas can be achieved, while allowing exceptions under certain conditions.

C-22

The final RMP/EIS has been revised to reflect an advantage rather than a need.

C-23

An environmental impact statement (EIS) is an analysis and documentation process. The agency must consider the environmental consequences and results, but is not obligated by NEPA to choose an alternative with no significant impacts. An agency may choose an alternative that could result in a locally significant impact.

C-24

Some of the concerns include; enforcing this exception within a large geographical area such as the three resource areas (690,000 acres) and

distinguishing between someone retrieving game or driving off-road for other purposes.

OIL AND GAS LEASING AND DEVELOPMENT

D-1

The oil and gas stipulations are described in Appendix B of the final RMP/EIS.

D-2

Current oil and gas lease management, described in Alternative A in the RMP/EIS, uses the Standard Stipulation form (MT-3109-1) for all leases. Thus, under current management, 100% of the leases are issued with stipulations. These stipulations include resources such as esthetics, erosion control, streams, wildlife and cultural. In addition, special stipulations are sometimes used where additional resource protection is desired. These two types of stipulations are shown in Table 2.8 for Alternative A. All leases under current management also contain standard lease terms, which are the rights and obligations described on the lease instrument (43 CFR 3101.1-2). Standard terms and conditions are not the same as standard stipulations.

By Montana BLM policy, the use of standard stipulations will be discontinued when the RMP/EIS is final. In their place, specific resource stipulations will be applied to protect those resources formerly covered by both standard stipulations and special stipulations. Only those leases needing resource protection will have stipulations attached. All leases will contain standard lease terms, and many leases will be issued only with standard lease terms. For Alternative E, the acreages are shown in Table 2.36 of the final RMP/EIS.

Thus, the acreage subject to stipulations will decrease; from the current situation in which 100% of leases have standard stipulations, to the preferred alternative in which only leases needing specific resource protection will have stipulations. The oil and gas stipulations are described in Appendix B.

D-3

The 1/4-mile no surface occupancy (NSO) restriction around wilderness study areas (WSAs) and Fish and Wildlife Service (FWS) refuges is not included in the preferred alternative as a result of the environmental consequences. This level of restriction was not necessary to protect the resources at these locations. Restrictions in the form of Controlled Surface Use and Timing are considered adequate mitigation to protect the resource values.

The Bureau's planning process develops management guidance for implementation of regulations that pertain to activities on federal land. Revoking the oil and gas exemption from the Resource Conservation and Recovery Act is a matter for the Environmental Protection Agency (EPA) to consider.

D-4

The current management situation is one which allows oil and gas leasing to continue on most of the federal lands covered by the RMP/EIS. Lands which require special stipulations to protect wildlife resources, that are nominated for lease during the time this plan is being written, will not be offered for lease until the plan is final. This policy is the result of a recent change in program guidance at the BLM Washington Office that mandates environmental impact statements rather than environmental assessments as the proper level of NEPA document for analysis of oil and gas leasing decisions. The interim policy is not described in the document because it is not considered as an alternative.

The leasing procedure described in Alternative A of the RMP is current management for BLM within the area covered by the plan. The standard stipulations on Form MT3109-1 in Appendix B are attached to all leases that are issued. The standard stipulations would be used to mitigate impacts when an activity is proposed on the lease if the resource is present. These stipulations cover the entire lease and are not site specific to a known resource on the lease.

Under all of the other alternatives these standard stipulations would no longer be used. Stipulations will be site specific to an area identified on the lease.

D-5

Appendix B in the RMP/EIS contains a Reasonably Foreseeable Development Scenario of oil and gas which follows the current guidance (Supplemental Program Guidance 1624.2) for predicting what the leasing and development activity will be over the life of the plan based on the historical activity. The specific items can all be found in Appendix B. The RMP/EIS contains a summary of the cumulative effects, by alternative, of the environmental consequences over the life of the plan. Tables 4.24, 4.26, 4.28, 4.30, and 4.32 in the RMP/EIS show the acreage in each of the categories of high and moderate oil and gas development potential for land that is open to leasing.

D-6

Impacts to cultural resources from oil and gas leasing and development have been revised in the final RMP/EIS.

D-7

We have no data to indicate that birds are being lost in oil-well sumps in this area. Wells drilled in this area are mostly for gas. Drilling operations usually last from 1 to 3 days. A temporary pit is used during the drilling process and then drained. The mud used in the drilling process is a non-toxic gel solution and is usually placed in leaking reservoirs as a sealer. The procedures for the use of drilling mud are found in NTL-2B.

D-8

Under the preferred alternative, a stipulation would be placed on oil and gas leases to protect the integrity of the grouse lek. This is a no surface occupancy for the lek and a seasonal restriction for a distance of 1/4 mile from the lek (March 15 to June 15).

D-9

Winter range restrictions are placed only on federal minerals during the development of oil and gas leases through the exploration phase. This stipulation applies to federal mineral estate and does not affect private landowner rights or a use other than oil and gas development during this time period.

D-10

The moderate development potential for federal lands within the area specified is based on the following: 1) a sedimentary package with source and reservoir rocks, that are productive elsewhere in the state; 2) a structural setting that is conducive to oil and gas exploration; and 3) a lack of established production. More of the area identified is rated as high for occurrence potential. However, development potential is tied to economic parameters of the hydrocarbon in place. None of the wells drilled in either of these areas has tested or produced commercial quantities of oil or gas.

D-11

Drilling 50 wells each year as predicted in the Reasonable Foreseeable Development scenario would not have a significant impact on the local economy or on social well-being because it is an ongoing activity that is expected to continue in the future. The present level of activity is expected to remain the same.

D-12

The RMP/EIS has been revised.

D-13

Map 6 found in the back pocket of the final RMP/EIS has been revised to clarify where stipulations would apply. Oil and gas stipulations would only apply to federal subsurface.

D-14

The statement on page 134 of the draft RMP/EIS has been changed to moderate potential for oil and gas. Map 5, Side A is correct in the draft RMP/EIS. The area where the proposed ACEC is located, on the south side of the Judith Mountains is considered moderate development potential for oil and gas.

D-15

The current guidance for implementation of waivers, exceptions and modifications requires a 30 day posting when the action constitutes a substantial change of the stipulation. The permitting process includes an automatic 30 day posting period during which the public can become involved through the NEPA process described in the document whether or not a waiver, exception or modification is involved. The resources that the stipulations are intended to protect are dynamic and if there is a change which makes the lease stipulation no longer valid, there would be no 30 day posting period required to waive the stipulation. This additional posting period is required only when the stipulation is changed but the resource has not.

D-16

The timing restrictions were developed from Interagency Rocky Mountain Front Wildlife Monitoring/Evaluation Program Management Guidelines of 1987. These guidelines were an interagency effort by the U.S. Forest Service (FS), FWS, MDFWP and BLM were the best data available.

D-17

The stipulations are the result of the oil and gas industry's effectiveness in protecting sensitive areas and still developing oil and gas resources. Many studies and professional experience have been used to develop these stipulations.

D-18

There are no impacts to livestock grazing from oil and gas leasing and development because these activities would not change stocking levels, range improvements and/or grazing practices. Based upon BLM's experience in other oil and gas fields, the land area removed from production is not significant enough to warrant change in stocking rates.

HARDROCK MINING

E-1

The Azure Cave withdrawal contains 80 acres of high and 60 acres of moderate mineral development potential land. This area is currently withdrawn and the RMP process reviewed the purpose and need of this withdrawal and recommended continuing the withdrawal based on the cave's importance as habitat for bats and public recreation values.

E-2

The process used to assess mineral potential in the planning area followed BLM manuals 1624, 3031 and 3060. This included review of all pertinent reports and publications on the planning area geology and mineral production. BLM permitting and production records were an additional source of data. On-the-ground discussion with operators in the hardrock program was especially helpful in the mineral potential assessment. Mineral potential information was solicited by letter from all mining claimants, oil and gas operators, mineral permit holders and professional societies. Several responded with confidential data and reports which were very useful. No comprehensive geochemical or geophysical survey program of the planning area was initiated specifically for the mineral resource assessment.

E-3

Mining claims located prior to a withdrawal would be examined for the presence of a mineral discovery. Valid claims can proceed to full development using mitigating measures to prevent unnecessary or undue degradation.

E-4

BLM welcomes additional data on mineral resources in the planning area that may aid in our mineral potential assessment. Data should be submitted to the district manager and marked "confidential", if necessary.

Some data was submitted during the public comment period. However, no change in the overall mineral potential assessment was warranted.

E-5

New mineral data would be considered through plan maintenance which would update the resource inventory or if necessary, amend the RMP.

E-6

The impacts to cultural resources from hardrock mining have been revised in the final RMP/EIS.

E-7

The preferred alternative would manage the area to mitigate impacts to resources from surface disturbing activities. The preferred alternative has been revised to reflect that specific prescriptions for maintaining the long-term visual character of the area would be considered during approval of a mine Plan of Operations. The statement on "reclaimed to natural conditions" has been deleted.

E-8

The impacts of 10 additional mining operations on bighorn sheep habitat in the Little Rocky Mountains are discussed in Chapter 4; Impacts to Wildlife From Hardrock Mining. There will be no more than 5% of the habitat disturbed in the short term and mining reclamation will replace or enhance most of this habitat in the long term.

E-9

BLM does not anticipate any hydraulic mining and very little or no dredging within the planning area.

E-10

Figure 3.9 has been updated to show gross production values through 1991, for both Fergus and Phillips Counties. The previous figures presented an outdated picture of mineral production in the planning area. However, a discussion of mining employment and expenditures which describes current conditions through 1990, is given on page 139 of the draft RMP/EIS.

E-11

A description of current operations and exploration activity in the planning area (including the Spotted Horse and Gies underground mines) appears on pages 138 to 139 of the draft RMP/EIS . Capital investment figures for mining operations (open-pit or underground) were not included in the discussion. However, the Environmental Consequences section of the RMP/EIS does include estimates of capital investment for mine development. These impacts were based on the hypothetical mining operations described in Appendix C of the final RMP/EIS.

E-12

Thank you for providing this information. It has been considered in our mineral potential assessment for this area.

E-13

The preferred alternative would provide for hardrock mineral development, while protecting other resources of exceptional value through withdrawal from mineral entry or with special management prescriptions. About 86% of the land with high, moderate or low mineral development potential

would be open to mining without withdrawal or restrictions.

E-14

Impacts to water quality from mining operations are addressed on pages 167 and 168 of the draft RMP/EIS. It is important to recognize that as specific Plans of Operations are developed, more detailed environmental analysis steps are required under NEPA. During the review of a Plan of Operations, BLM may request any reasonable mitigation measures for monitoring and protection of water quality. These mitigation measures may include requiring the company to develop baseline water quality data to provide for monitoring future degradation of water quality. Under the Montana Water Quality Act, the mountain streams in the planning area are subject to the non-degradation criteria. Actions that would adversely effect water quality can only be approved by the Montana Water Quality Board. As described on pages 167 to 168 of the draft RMP/EIS, there are risks of accidental contamination with the heap leach process.

E-15

The Cyanide Management Plan (1991) developed by BLM states that migratory birds will be protected by "total enclosure of process solution, treatment of process solution to sublethal levels, or netting of process solution impoundments." Migratory bird mortality was identified at the Kendall and Zortman-Landusky mines and has been corrected by placing bird proof netting over the fenced solution ponds. If other mines experience bird mortality, one or more of the above actions will be used to correct the mortality.

E-16

Mining Old Scraggy Peak is not reasonably foreseeable. The peak holds only passing interest for possible exploration activity. If Old Scraggy Peak were to ever be proposed for mining activity, BLM would conduct the appropriate interdisciplinary review and environmental analysis. Mining the peak itself, although unlikely, would be an irreversible irretrievable commitment of resources. The peak could not be restored to its original state.

E-17

Proposed mining activities on BLM land in the Little Rocky Mountains are presented to the public for comment through EAs or EISs. The residents of Zortman can, and do, comment on mining proposals. Their comments are considered by BLM before issuing the final decision.

E-18

Recreational use of the area is primarily dispersed and no revenues are collected for dispersed recreational use. The description of impacts to recreation appears on pages 192 to 196 of the draft RMP/EIS. The economic impacts from hardrock mining described in the preferred alternative of the draft RMP/EIS are based on the hypothetical operations appearing in the Reasonable Foreseeable Development scenario (Appendix C). The economic impacts from recreation are based on the importance recreationists and tourists place on scenery. For example, the Institute for Tourism and Recreation Research at the University of Montana (ITRR) conducted a survey of nonresident visitors during the summer of 1990, revealing that "...81% of the vacationing respondents indicated they were attracted to Montana by its scenery," (ITRR, 1991). To the extent that visitors are attracted to scenery in and around Lewistown, mineral development creating a negative effect on visual resources could also have a negative effect on recreation and tourism expenditures. The protection of visual resources, on the other hand, could promote more recreation and tourism in the area.

E-19

The goal of reclamation will be to make post-mining land use comparable to the pre-mining land use; and consistent with adjacent land uses. Project specific reclamation plans will be reviewed in this context. The exact measure necessary to achieve these conditions will be incorporated into the reclamation plan or become stipulations to project approval.

E-20

The purpose of the Hardrock Reasonable Foreseeable Development scenario (RFD) is to anticipate future hardrock exploration and mining activities in the planning area. To do so, certain assumptions have to be set regarding future technology, economics and regulatory climate. It is assumed, for purposes of the analysis, that permitting procedures and regulations will become stricter in the future. This is based on past trends and proposed legislation. Stricter environmental requirements are not the subject of the analysis; but rather are a parameter in preparation of the development scenario.

E-21

As described in the draft RMP/EIS, the impact from the potential loss of these operations would be significant. However, it should also be noted that, while two operations could be potentially foregone under this alternative, seven mining operations

could potentially be developed in the Judith RA, potentially resulting in significant opportunities for mining-related employment, expenditures and tax revenues. Under the preferred alternative in the final RMP/EIS, only one operation could be potentially foregone due to the exclusion of the South Moccasin Mountains from the ACEC.

E-22

Any additional requirements or restrictions would be used to improve BLM multiple-use management of mineral activity. The general regulations anticipate site specific detailed guidance where special nonmineral resource values must coexist with mineral development.

E-23

Chapter 3, pages 138 to 139 of the draft RMP/EIS provides this information. In addition, Figure 3.9 has been revised to include the gross value of metal mine production through 1991.

E-24

Item 4 is a standard requirement and would be paid for by the operator. Items 5 and 6 may not always be needed to mitigate impacts to wildlife. The size of the disturbance, its duration, and the importance of the particular habitat would have to be considered. If needed to prevent unnecessary or undue degradation, the mitigation would be paid for by the operator.

E-25

Tables 2.45 and 4.5 in the draft RMP/EIS show different information. Table 2.45 shows the acreage that would be segregated from mineral entry, while Table 4.5 shows the acreage of mineral development potential by management category.

E-26

To date, monitoring the water quality flowing from the mining area north into the Hays areas has not detected any contamination that would effect human or animal health.

E-27

There are many possible reasons for diminishing fish populations. However, none of the data on water quality shows any chemical contamination emanating from the mining areas which would be responsible for the reported decline in fisheries.

E-28

BLM made the estimates on the amount of habitat that has been or could be disturbed. The average disturbance for exploration projects is estimated to be less than 5 acres and small mine operations could disturb about 10 acres. It is estimated that about 80 acres have been disturbed in the Collar Gulch area and an additional 80 acres could be disturbed in the future. This would depend on the size, type and number of exploration and/or mine projects.

RIPARIAN AND WETLAND MANAGEMENT OF WATERSHEDS

F-1

The definition of riparian-wetland areas on page 119 of the draft RMP/EIS has been revised to the formal definition of a riparian area as defined by BLM: "an area of land directly influenced by permanent water. It has the visible vegetation or physical characteristics reflective of permanent water influence. Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not exhibit the presence of vegetation dependant upon free water in the soil." The definition of a wetland in BLM's Riparian-Wetland Initiative for the 1990's (1991), defines wetlands as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and which, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include marshes, swamps, lake shores, bogs, muskegs, wet meadows, estuaries and riparian areas."

The typical prairie pothole on the glaciated plains of the Phillips and Valley RAs is a wetland by the above definition because it supports vegetation "adapted for life in saturated soil conditions." The typical pothole does not get flooded every year and often has water for only a short time, but when it is flooded, it supports wetland vegetation. However, the administration has discussed changing the definition of wetlands. If the definition is changed, the typical prairie pothole on public land may not fall under the final definition of wetlands for the purposes of agricultural use and other developments.

The Federal Manual for Identifying and Delineating Jurisdictional Wetlands was signed in 1989, by the Corps of Engineers, the Environmental Protection Agency, the Fish and Wildlife Service and the Soil Conservation Service. The Soil Conservation Service works with the Agricultural Stabilization and Conservation Service to determine if an area is a wetland and uses the same wetland definition as these agencies and BLM.

BLM's proposal for managing riparian-wetland areas has been to specifically identify the stream

areas and wetlands that meet the definitions and to outline specific objectives and methods for managing these important areas.

F-2

Riparian and wetland management is addressed under the preferred alternative in Chapter 2 of the final RMP/EIS. BLM would initially accomplish riparian-wetland objectives through livestock grazing methods at current stocking levels. This includes, but is not limited to: deferring hot season grazing, creating separate riparian pastures, changing the kind and class of livestock, time control grazing or other range management practices such as developing off-site water, salting, developing shade sources, herding, insect control and early pastures of crested wheatgrass. Seeding, planting and installing rock gabions and/or check dams may be used to meet riparian objectives in addition to grazing management. If grazing methods are not successful in meeting management objectives, BLM would take the necessary action to achieve those objectives. This could include, but is not limited to, fencing riparian-wetland areas, reducing livestock numbers and use and rehabilitating degraded riparian-wetland areas. When trend is improving, the prescribed grazing method should be continued even if the riparian-wetland objectives are not achieved in the stated time frame.

F-3

It is conservatively projected, on page 121 of the draft RMP/EIS, that 60% of the acres in stream riparian zones are in late seral to Potential Natural Community (PNC) (proper to excellent condition) and 40% are in early or mid seral status (poor to fair condition). Improving or maintaining riparian-wetland areas to proper functioning condition and desired plant community would decrease sedimentation while increasing streambank stability, vegetation production, wildlife habitat, waterfowl production, recreation opportunities and visual qualities.

F-4

Waterfowl production is only one reason for riparian and wetland management of watersheds. For further information please refer to response F-3.

F-5

Even under an intermingled ownership pattern, grazing use on BLM land must comply with the multiple use and sustained yield principles as mandated under FLPMA. Cooperative management, on the part of the BLM and private landowners, is essential if management is to be successful. Where BLM lands comprise only a small part of an allotment, custodial management for the public land is usually prescribed. Under this type of management, the BLM permittee or lessee would conduct the grazing operation to meet his or her objectives so long as authorized use of the public land is not exceeded or resource values compromised.

F-6

BLM prefers to accomplish grazing management cooperatively and it is expected that the riparian and wetland management of watersheds initiative can be fully accomplished with cooperation. However, if we can not agree on management, BLM may require the permittee to install or contribute to installing improvements, including fences. The private landowner always has the option of fencing private land from public land.

F-7

The streams are based on an inventory of the perennial and significant intermittent streams on BLM land (see Table 3.4 in the final RMP/EIS). There are approximately 600 miles of perennial and intermittent streams on BLM land in the planning area.

For stream riparian areas, BLM completed an extensive inventory in 1986, using the USGS Hydrologic Map of Montana. The stream miles included in the RMP are much less than identified by the extensive inventory. The method used to identify the stream miles in the RMP was based on the resource area range and wildlife staff's knowledge of these streams and their potential. The resource professionals used the "stream order" approach, that is, the beginnings of a stream are Order 1, where it joins another branch the two become Order 2 and when it joins another Order 2 branch it becomes an Order 3. The miles identified are all Order 2 and above using a one inch to the mile scale map. To the best of BLM's knowledge, they are riparian by definition and have the potential to be improved or maintained as such. An intensive inventory is underway throughout the planning area under contract with the Montana Riparian Association; to date all the miles inventoried have qualified as riparian. BLM's approach was quite conservative as to scope and does not include side coulees that often have woody riparian vegetation.

F-8

Objectives are developed by first knowing the existing status of the riparian system and the potential of the site. Once this information is known, objectives are developed using an interdisciplinary approach involving the rangeland, wildlife, recreation and other appropriate specialists. The

grazing permittee/lessee and other affected interests are also included in the development of objectives. As new AMPs are written; existing AMPs revised; or through monitoring, specific riparian-wetland objectives would be included to achieve the goals of the riparian program. The objectives would be met by grazing methods whenever possible.

F-9

Winter use may be the preferred option for riparian management in some cases, but there are many other options including rest-rotation, deferred rotation, spring/fall, spring only, fall only, twice-over deferred rotation and short duration grazing.

F-10

Riparian-wetland areas are the most productive wildlife habitats and are generally preferred by livestock because the grass is green longer and water and shade may be available. Riparian areas also contribute to improving water quality, removing sediment, rebuilding flood plains, reducing stream bank erosion, reducing peak flood flows, increasing the duration of flow, maintaining instream biota and improving the ground water reserve.

F-11

Assuming this question means changing the classification of these lands as described in the draft RMP/EIS, this could only be done if it were shown that the lands were, in fact, not riparian by BLM's definition. For additional information please refer to response F-1.

F-12

Under the preferred alternative, approximately 595 miles of stream have been identified for riparian and wetland values. Approximately 150 miles are within the Judith RA, 250 miles within the Valley RA and 195 miles within the Phillips RA. Appendix H shows the allotments and miles of stream that would be included under the preferred alternative. Each resource area has data and maps for specific allotments identified in Appendix H.

F-13

A grazing formula describes the sequence of grazing treatments which will meet plant and livestock requirements in conformance with management objectives. The number of treatments in a formula depends on the amount of rest needed at various times. The formula shows the order in which planned grazing and resting treatments are applied in a pasture. Generally, a pasture is needed for each treatment in the grazing formula. It's important when designing a grazing formula is to use sound principles of plant physiology and ecology, animal husbandry, soil and water management and multiple-use resource management.

F-14

The preferred alternative analysis of the Riparian and Wetland Management of Watersheds issue includes only the allotments which contain 0.5 or more miles of stream or 5 or more water sources. This removed 299 small allotments with only one or two reservoirs or potholes and few management opportunities. Many of these are identified for disposal. Alternative E was developed to focus the effort on a more realistic number of allotments.

F-15

BLM's management is directed at correcting grazing practices that are causing streambank erosion, unstable streambanks or scant vegetation cover. There is abundant evidence of BLM's success on most of the rest-rotation and deferred rotation grazing plans that have been in effect for over 10 years. The remaining problems are in recently developed AMPs and on allotments with no rotation grazing plan in effect. Without rest and deferment from grazing, riparian areas can not thrive.

BLM knows from historic evidence, including the journals of Lewis and Clark, that all riparian areas were not in proper functioning condition before the introduction of domestic livestock.

It is evident that on some soils, like the typical "Breaks" of the Missouri River and "Badlands" throughout the planning area, geologic erosion is very high. Because active downcutting is occurring in these areas, the associated riparian areas may not meet proper functioning condition criteria.

BLM is just beginning to learn about the potentials of prairie riparian areas. These potentials can vary widely within a few miles of the same stream because of such factors as soil, topography, depth to water, etc. Potential stream stability varies because of these factors, as well.

It is the objective of BLM riparian area management to maintain, restore or improve riparian values to achieve a healthy and productive ecological condition for maximum long-term benefits. To meet this objective, BLM will ensure that new resource management plans and activity plans (and existing plans when revised) recognize the importance of riparian values and initiate management actions to maintain, restore or improve them.

F-16

Under the preferred alternative, approximately 595 miles of stream, not 3,500, have been identified for riparian and wetland values. These streams are not proposed for mineral withdrawal for riparian and

wetland values. Table 3.4 shows the total BLM stream miles for perennial streams as well as for significant intermittent streams within the planning area. Please refer to response F-1 for additional information on the definition of riparian-wetland areas.

F-17

The Prairie Pothole Habitat Management Plan (1978) set the stage for waterfowl development along the HiLine of northern Montana. Since the implementation of the plan, over 1,140 reservoirs and 1,000 nesting islands have been developed in the planning area. This represents a 23% increase in surface water and a 56% increase in nesting islands. Waterfowl objectives have been developed and implemented in a number of AMPs. As additional water developments and habitat improvements are completed in AMPs, these acres will be compared to the existing habitat. The objectives for waterfowl habitat improvement on the uplands associated with water developments will be monitored following various habitat evaluation techniques. Monitoring nest success and population status is the responsibility of the MDFWP and FWS.

F-18

BLM will use a large body of scientific research as well as our own experience in grazing management practices by specifically proposing to meet riparian-wetland objectives though grazing management and not by exclusion of grazing (page 85 of the draft RMP/EIS). The management practices proposed essentially mirror those described in *Riparian Dominance Types of Montana*, Hansen, Chadde, and Pfister, 1988, a publication of the Montana Forest and Conservation Experiment Station, University of Montana, which is referenced on page 119 of the draft RMP/EIS. The descriptions of successful riparian management practices in Hansen, Cad and Pfister include a detailed bibliography of supporting research. Page 154, paragraph 2 of the draft RMP/EIS describes the role of this research in analysis of the environmental consequences. For additional information please refer to response F-2.

F-19

BLM's intent is to accomplish the riparian-wetland objectives though cooperation with the permittees. This is why BLM included the objective (paragraph 4 on page 85 of the draft RMP/EIS) "to accomplish the riparian-wetland objectives while considering the economic viability of the affected ranches." This provision recognizes the potential impact to private lands, which often have high riparian and wildlife values, that could occur if permittees were forced to radically alter their operations in response to BLM's riparian-wetlands implementation.

F-20

The section of the draft RMP/EIS on page 85 paragraph 8, concerning use of pesticides, prescribed fire and land treatments has been revised. BLM will continue to use herbicides, as well as biological methods to control noxious weeds. Herbicide use in the riparian-wetland complex will continue in strict compliance with label requirements and in accordance with the Vegetation Treatment Final EIS, 1991.

F-21

This provision recognizes the need for a commitment on the part of the livestock operators to achieving the riparian objectives; the fact that BLM can not accurately predict the time frame for achieving the potential on most of the riparian sites in the planning area; and that factors other than livestock grazing (including floods, droughts, wildlife use, etc.) influence the rate of progress.

F-22

The preferred alternative analysis of the Riparian and Wetland Management of Watersheds issue does not include a formula for allocating forage increases. This allows the manager the discretion to allocate up to 50% of the forage to livestock or to reserve all the increase for wildlife habitat and watershed protection. Such decisions would be made though an interdisciplinary environmental analysis and would be based on the results of monitoring and evaluation.

F-23

An error was made on page 175 of the draft RMP/EIS as only the AUM changes attributed to the actual riparian areas were shown in the livestock grazing management impacts section. The correct figures are shown on page 172, paragraph 6. AUMS would increase by approximately 10% overall (equivalent to 92,860 AUMs). This is due to overall improvement, including the uplands as well as the riparian-wetland areas. Riparian-wetland objectives will be met though management of grazing at existing levels, if these objectives can not be achieved under existing levels, grazing may be reduced or other practices applied (page 85, paragraphs 2 and 3, draft RMP/EIS).

F-24

Present management is accomplishing the desired results in Category M allotments. In Category I allotments, present conditions are unsatisfactory. Conditions may be satisfactory in the riparian areas, but unsatisfactory in the uplands due to a

predominance of clubmoss or other factors which limit improvements in ecological status. Riparian areas are much more responsive to improved grazing management than are most uplands. Allotments predominately in fair (mid seral) condition, often the uplands, are Category I allotments.

F-25

All water right appropriations are subject to Montana Water Law. For all projects over 15 acre feet, a hydrologic evaluation is done to determine project feasibility and downstream impacts. As required by law, all potentially affected water users are notified of the project and may protest. All construction in the Milk River drainage, above Vandalia Dam, is further constrained by BLM's Memorandum of Understanding with the Bureau of Reclamation.

F-26

BLM is responsible for managing those lands under BLM administration. This includes riparian-wetland areas. BLM's goal is to manage these areas through livestock grazing management. BLM recognizes the importance of the intermingled private lands, including valuable riparian-wetland areas, which could be adversely impacted by management changes on BLM land.

F-27

The proposed action is to meet riparian objectives through grazing management, not by excluding these areas from grazing.

For stream riparian areas, BLM completed an extensive inventory in 1986, using the USGS Hydrologic Map of Montana. The stream miles included in the RMP are much less than identified by the extensive inventory. The method used to identify the stream miles in the RMP was based on the resource area range and wildlife staff's knowledge of these streams and their potential. The resource professionals used the "stream order" approach, that is, the beginnings of a stream are Order 1, where it joins another branch the two become Order 2 and when it joins another Order 2 branch it becomes an Order 3. The miles identified are all Order 2 and above, using a one inch to the mile scale map. To the best of BLM's knowledge, they are riparian by definition and have the potential to be improved or maintained as such. An intensive inventory is underway throughout the planning area under contract with the Montana Riparian Association; to date all the miles inventoried have qualified as riparian. Our approach was quite conservative as to scope and does not include side coulees that often have woody riparian vegetation.

For manmade and natural wetlands, the "water sources" numbers are from two sources; BLM records of reservoirs on public lands and prairie potholes for which BLM has applied for water rights.

The intensive riparian inventory will be used to develop site specific objectives to be included in allotment management plans. The Montana Riparian Association classification system will be the basis for these objectives.

ELK AND BIGHORN SHEEP HABITAT MANAGEMENT

G-1

BLM is responsible for managing wildlife habitat on BLM land, including identifying existing and potential habitat based on current and historical data. BLM does not have a compensation program for property damage caused by wildlife.

G-2

MDFWP is responsible for managing wildlife and establishing wildlife population estimates.

MDFWP investigates animal damage reports on private land and has a variety of methods available (scare guns, aircraft to haze nuisance animals and special hunts) to control wildlife damage on private lands. MDFWP works with landowners requesting such assistance, however no monetary compensation is made for wildlife damage.

MDFWP establishes wildlife population limits in coordination with landowners, other agencies and the public.

G-3

Vegetation allocations were determined during the Missouri Breaks Grazing and Prairie Potholes Vegetation EISs. About 40% of the vegetation (452,380 AUMs) will continue to be allocated to livestock and 60% to watershed protection and wildlife forage and cover. These allocations are based on resource values within each allotment.

Forage for wildlife would continue to come from the above allocations. If elk are overgrazing an area, BLM would recommend increasing harvest levels to the MDFWP.

G-4 **Preferred Alternative**

The preferred alternative has been revised to provide 593,980 acres of habitat for elk in the Missouri Breaks, Highwood Mountains, Square Butte, Little Belt Mountains, Judith Mountains and Big Snowy Mountains. This would be consistent with the 1992 MDFWP Elk Management Plan.

The preferred alternative has been revised to exclude identifying elk habitat in the Little Rocky and South Moccasin Mountains; consistent with the 1992 MDFWP Elk Management Plan.

G-5

The management prescriptions would be applied on a case-by-case basis to the crucial habitat identified jointly by the MDFWP and BLM. This habitat is usually specific to a portion of a mountain range rather than the entire mountain range.

G-6

Management of BLM land is on the basis of multiple-use and sustained yield, unless otherwise specified by law. Elk and bighorn sheep habitat have not been given primary consideration in the Little Rocky Mountains, but are considered resources in the area along with timber, recreation, minerals, watershed, wildlife and cultural resources. The Little Rocky Mountains would remain open to mineral entry and would be opened to oil and gas leasing under the preferred alternative.

G-7

Most of the coordination on elk habitat management with the MDFWP and recommendations in the draft RMP/EIS were developed prior to completion of the MDFWP's elk management plan. The preferred alternative in the final RMP/EIS has been revised to be consistent with the 1992 MDFWP Elk Management Plan.

G-8

BLM recognizes, as does the MDFWP, that problem areas need special attention. Under the preferred alternative, BLM could plant lure crops on select BLM land to draw elk from private crop land where depredation conflicts are occurring. However, any reduction in the elk population would be handled by the MDFWP.

BLM does not have a compensation program for property damage caused by wildlife. Landowners work with the MDFWP to control damage of private crop lands.

G-9

Any reduction in elk would be handled by the MDFWP. One of the decisions required in a resource management plan is the identification of management areas or habitat.

G-10

The lure crops BLM could use would be determined cooperatively among the MDFWP, private landowners and BLM. The crops suggested are small grain (mainly oats) or alfalfa.

G-11

Important habitat components consist of food, water, cover for resting and social interactions. Water is a very important component of crucial habitat and is a component that can be added.

G-12

Under the preferred alternative, BLM would not reduce livestock numbers. BLM does not have a compensation program for property damage caused by wildlife. Landowners work with the MDFWP to control damage of private crop lands.

G-13

BLM can make recommendations to the MDFWP on the need for additional recreation opportunities on BLM land during the departments review period for permits. The preferred alternative does not recommend a formal agreement between the BLM and MDFWP to control wildlife and protect private land.

G-14

Page 176 of the draft RMP/EIS discusses impacts to livestock grazing from elk and bighorn sheep. Because BLM recognizes that landowner tolerance to depredation (and not forage availability on BLM land) is the limiting factor and because elk and cattle are compatible under rest-rotation grazing and other similar grazing methods, no reductions were identified. BLM does not anticipate elk or bighorn sheep numbers to increase to the point where reductions in livestock are needed.

G-15

Elk habitat acres were based on the MDFWP Elk Management Plan for each hunting district. The BLM acreage was calculated for each hunting district and those acres were totaled for the planning area. As stated in the management plan, some of the hunting districts had unoccupied elk habitat. The BLM acres were calculated in these hunting districts and are the acres used for elk habitat and expansion in the planning area.

G-16

The Larb Hills are part of the Missouri Breaks and contain elk habitat on BLM land. The area is not identified as habitat for elk expansion.

G-17

The bighorn sheep established in the Larb Hills are from an expansion of sheep planted in the Mickey-Brandon Buttes area. Most sheep are now on the CMR, however they may move onto BLM land, expanding into unoccupied habitat. The habitat is there, but the MDFWP determines whether to allow expansion or control the population through hunting.

G-18

One of the decisions required in a resource management plan is the identification of management areas or habitat. This is based on habitat potential and population goals set in coordination with the MDFWP.

G-19

An animal population will continue to expand into unoccupied habitat until some limiting factor slows or stops the expansion. In the case of elk, unoccupied habitat is available and elk are going to continue to expand into that habitat, until the habitat is filled or some limiting factor such as hunting slows or stops the process.

G-20

The expansion areas have adequate forage for both livestock and wildlife. Alternative A allows for expansion in the existing occupied areas where habitat is available. Alternative E, in the draft RMP/EIS, would allow expansion in the existing occupied areas and in the unoccupied areas available for expansion. BLM would supply the habitat (i.e. forage, cover, space, etc.) on BLM land. Managing the animals themselves is the responsibility of the Montana Department of Fish, Wildlife and Parks. Elk management in the planning area has been modified in the final RMP/EIS to be consistent with the 1992 MDFWP Elk Management Plan. Please refer to response G-15 for additional information.

G-21

The restrictions would be developed in the Plan of Operations based on need. Crucial wildlife periods are usually the winter months, but can include the fawning and calving periods. Habitat loss would be determined during the Plan of Operations and would include vegetation that couldn't be replaced during the reclamation phase of the mining operation.

PRAIRIE DOG AND BLACK-FOOTED FERRET MANAGEMENT

H-1

A reintroduction plan (The Cooperative Black-footed Ferret Reintroduction and Management Plan for the North Central Montana Complex) is being prepared by the MDFWP and FWS and is presently in draft form. BLM is a cooperating agency in this project and BLM's recommendations to the plan are found in the preferred alternative discussion for the Prairie Dog and Black-footed Ferret Management issue. The plan is designed to protect the ferret and private landowners' rights.

The reintroduction plan recommends an experimental non-essential release. Determining the type of designation (permitted, experimental essential or experimental non-essential) is the responsibility of the FWS. The experimental non-essential designation is one of the choices available under the Endangered Species Act.

Under an experimental non-essential designation, ferrets would be released as a threatened species rather than an endangered species. The ferrets would have to cope with the existing activities in the release area. It also means the release would be an experiment and these animals would not be essential for the survival of the species. The endangered portion of the total ferret population would be those animals still in captivity.

The draft reintroduction plan identifies an area known as the experimental population area which is larger than the reintroduction area and includes the southern half of Phillips and Blaine Counties. The experimental population area is large enough to protect landowners from the migration of ferrets from one prairie dog town to another or a ferret that just migrates outside the reintroduction area.

H-2

BLM is required by the Endangered Species Act of 1973, as amended, to carry out programs for the conservation of threatened and endangered species. BLM land in the Phillips RA supports prairie dog populations and habitat suitable for the endangered black-footed ferret and is key to the recovery of the species in the United States.

H-3

Prairie dogs do modify the forage composition of the area they occupy. However, prairie dog towns provide an island of habitat that attracts a large number of wildlife species (Koford, 1958 and Reading et al, 1989).

Prairie dogs do modify some wildlife winter habitat within the Phillips RA. However, the amount of habitat is insignificant when compared to the total crucial habitat for antelope, sage grouse and mule deer.

Prairie dogs do create a loss of vegetation. The preferred alternative would use land treatments to increase forage, if prairie dog populations increase above the 1988 level. By mechanically treating the potentially treatable lands in the planning area, forage production would be increased and the AUMs distributed as monitoring studies indicate appropriate.

H-4

Prairie dog control is addressed in the Prairie Dog and Black-footed Ferret Management sections of Chapter 2 in the final RMP/EIS. BLM would monitor prairie dog towns for expansion and control prairie dog populations at the 1988 level for recreational viewing, associate species and prairie dog shooting, however BLM may reduce or eradicate some small isolated prairie dog towns.

BLM will use all tools available, including poison, to maintain the 1988 survey level of prairie dog towns in the Phillips RA. All prairie dog towns in joint ownership would be subject to cooperative agreements for management and/or control consistent with guidelines provided in this RMP.

H-5

The black-footed ferret, thought to be nearly extinct was rediscovered at Meeteese, Wyoming late in 1981, and has become a nationally important species. It is now considered the rarest mammal in North America. A successful captive breeding program has allowed FWS to plan reintroductions of the ferret back into its natural environment. The existence of suitable habitat for this species is a critical national resource. BLM is a cooperating agency in this project in Phillips County and BLM's recommendations are found in the preferred alternative discussion for the Prairie Dog and Black-footed Ferret Management issue.

H-6

The 7km Complex is in the southern portion of the Phillips RA and contains a significant amount of high quality habitat for the endangered black-footed ferret. The area is based on FWS habitat assumptions for ferret management (i.e. the area encompasses a group of prairie dog towns that are no more than 7 kilometers apart).

H-7

Under the preferred alternative, costs related to prairie dog control and black-footed ferret reintroduction could total $186,000 in the short-term for both BLM ($128,000) and ranching operations ($58,000). The ranch operation costs assume all prairie dog towns on private land would be controlled or eliminated at an estimated cost of $10 per acre; however this is at the discretion of the private landowner who may or may not control prairie dogs. These costs would be incurred on a one-time basis only. Annual management costs could total $109,000 for prairie dog control and ferret reintroduction.

The draft "Cooperative Black-footed Ferret Reintroduction and Management Plan for the North Central Montana Complex" prepared by the MDFWP and FWS, estimates $1,147,400 could be spent from 1991 to 1998.

H-8

When poisoning is scheduled on a prairie dog town which includes state or private land, a cooperative effort would be made to control the entire town. The cost of poisoning for state and private land would be the responsibility of the private landowner or the state land permittee.

H-9

BLM manages wildlife habitat on BLM land and the RMP will allocate habitat, in the form of black-tailed prairie dogs (the habitat), for black-footed ferret reintroduction. The actual ferret reintroduction is the responsibility of the MDFWP and FWS. BLM is a cooperating agency in this project and BLM's recommendations are found in the preferred alternative discussion for the Prairie Dog and Black-footed Ferret Management issue.

Condemnation is a tool available to BLM for the management of public lands without the Endangered Species Act. BLM will not advocate condemnation for ferret management in this RMP.

Identifying habitat is necessary prior to determining its quality and quantity. The habitat is then studied to determine the best possible locations for ferret reintroduction.

H-10

BLM coordinated with the MDFWP on ferret habitat. This coordination included MDFWP participation on the Coordinated Resource Management Planning (CRMP) committee and meetings with the landowners in the potential reintroduction area.

H-11

Livestock grazing would not be excluded from BLM land identified for reintroduction of the black-footed ferret.

H-12

The preferred alternative analysis for the Prairie Dog and Black-footed Ferret Management issue

does not restrict any uses in south Phillips County, but does mitigate some activities.

H-13

Studies could be conducted on prairie dog shooting in south Phillips County as the ferrets are released. If these studies show a detrimental effect to the black-footed ferret, public input would be sought to help resolve the problem.

H-14

Only the prairie dog towns on BLM land identified for reintroduction of the black-footed ferret would be designated an ACEC. This amounts to 12,346 acres in the Phillips RA.

H-15

The preferred alternative uses shooting as a supplemental form of prairie dog control.

H-16

Page 13 of the draft RMP/EIS states that the desired plant community for prairie dog towns, for instance, will be an ecological condition less than good (late seral) or excellent (potential natural community). The vegetation objectives for certain prairie dog communities would be, therefore, an early to mid seral vegetative status. The challenge for BLM is to describe the vegetative community that best meets the needs of the prairie dog ecosystem. This community would then become the desired plant community for that site. It would be more appropriate to use ecology status terminology rather than terms that imply "value" such as poor condition.

H-17

The preferred alternative maintains the existing livestock AUMs within the 7km Complex.

H-18

The estimated economic impact of prairie-dog hunters is based on the number of hunters that sign in at the BLM office in Malta (about 300 hunters annually). However, it is likely some hunters do not sign in and are not counted. If this is the case, the estimated economic impact may be understated. In the absence of definitive information, estimating the economic impacts, based on hunters that sign in at the local BLM office is reasonable. It should be noted that under the preferred alternative (Alternative E), there would be no impact to prairie dog shooting.

H-19

The lack of prairie dog towns and/or topography would severely limit ferret movement outside the experimental population area. Anywhere within this area, a ferret can be moved or handled without any problems as a threatened species.

H-20

Ferrets were found in Phillips County prior to poisoning in the 1930s (Anderson, et al.,1986).

H-21

Impacts to bentonite mining could occur if mineral development proposals coincide with ferret reintroduction areas. The probability of this occurring is considered low because reintroduction areas are located away from the areas with proven bentonite potential. If ferret reintroduction is attempted as an "experimental, non-essential" basis, other potential land uses would not be pre-empted.

No impacts are anticipated to precious metal mining operations. Habitat suitable for reintroduction of ferrets (prairie dog towns) is not known to occur in areas with hardrock mineral development potential.

H-22

The impacts of black-footed ferret reintroduction on 3,308 acres are discussed in the Impacts to Wildlife From Prairie Dog and Black-footed Ferret Management section. The major problem is that prairie dog towns need to be within 7km (3.3 miles) of each other to be useful in a ferret reintroduction. In Alternative A, the towns are further than 7km from each other and are not useful for a reintroduction.

H-23

The preferred alternative in the final RMP/EIS does recognize the importance of prairie dog habitat for other species by providing prairie dog habitat for associate species such as the mountain plover, burrowing owl and ferruginous hawk.

H-24

The Montana Black-footed Ferret Working Group has been working on ferret recovery in Montana since 1984. This group has cooperated on many studies related to prairie dogs in Montana and has kept up with ferret biology. The group developed the 7km reintroduction area in northcentral Montana from that data and felt that it was adequate for a reintroduction in Montana. After conducting various public meetings and visiting one-on-one with the affected landowners, the working group accepted the 7km concept with the 1988 survey population. The preferred alternative would provide the 1988 prairie dog survey level for ferret reintroduction in south Phillips County.

H-25

The following statement has been added to the affected environment section..."Prairie dog towns provide an island of unique habitat that attracts a large number of wildlife species (Koford, 1958 and Reading et al, 1989)."

H-26

The 71 acres in the Judith RA and 800 acres in the Valley RA are the existing prairie dog towns in the respective RAs. The prairie dog towns in the Valley and Judith RAs will be managed on a case-by-case basis.

H-27

BLM is not aware of any documented evidence that there could be a negative effect on private property values due to endangered species reintroduced on an experimental, nonessential basis. No land-use restrictions would be placed on private property, whether or not a rancher were to participate as a cooperator in the reintroduction project. However, BLM recognizes there is local concern about potential land-use restrictions imposed on private property owners and concern that these restrictions could affect private property values. This concern has been clarified in the final RMP/EIS (Chapter 3, Planning Area Attitudes).

H-28

Prairie dog town B-080 was programmed for elimination as part of the Black-tailed Prairie Dog Control/Management Plan in Phillips Resource Area in 1982. This plan did not consider black-footed ferrets because they were considered extinct at the time of the writing. Shortly after the plan was completed, ferrets were found in Wyoming. BLM determined that proceeding with the plan could be a negative "may affect" to the ferret. The North Fourchette AMP-5651 (signed 4/5/89) discusses the management of the prairie dog towns in the allotment. It suggests that control would be completed on all towns. However, the AMP also states that the prairie dog towns will be analyzed in the RMP and decisions on future control/ management of prairie dogs will be included in the RMP.

H-29

Landowner attitudes toward prairie dogs and the black-footed ferret are discussed in Chapter 3, Affected Environment on page 151 and in Chapter 4, Environmental Consequences on page 218 of the draft RMP/EIS. This concern has been clarified in the final RMP/EIS (Chapter 3, Planning Area Attitudes).

H-30

The economic and social impacts of black-footed ferret reintroduction were analyzed in accordance with BLM's resource management planning requirements. This analysis appears on pages 211 to 213 and page 218 of the draft RMP/EIS. Presumably, the law you're referring to is the Endangered Species Act (ESA), specifically Section 4(b)(2), which states in part: "The Secretary shall designate critical habitat...after taking into consideration the economic impact... of specifying any particular area as critical habitat."

Impact analysis related to a critical habitat designation under ESA would be the responsibility of the FWS. Thus, impact analysis related specifically to a critical habitat designation does not apply to BLM. It should also be noted that the proposed reintroduction population is considered "experimental, nonessential" by FWS and the Act specifically precludes designation of critical habitat for nonessential populations [Section 10(j)(2)(c)(ii)].

H-31

"A Cooperative Black-footed Ferret Reintroduction and Management Plan for the North Central Montana Complex" is a proposal for the reintroduction of the black-footed ferret. The RMP is a decision document for all aspects of multiple-use management on BLM lands, including the allocation of habitat for ferret reintroduction. The preferred alternative in the RMP suggests guidelines that would be addressed when developing the reintroduction plan. These suggestions were incorporated into the reintroduction plan.

H-32

The preferred alternative has been revised to include a controlled surface use stipulation on prairie dog towns within the 7km Complex. When an oil and gas activity is proposed, the BLM's authorized officer is responsible for applying conditions of approval to prevent adverse effects on the reintroduction and recovery of black-footed ferrets. The "Draft Guidelines for Oil and Gas Activities in Prairie Dog Ecosystems Managed for Black-Footed Ferret Recovery," FWS, 1990, will guide the development of appropriate conditions of approval for the proposed activity.

H-33

This information was taken from BLM's grazing files and was an oversight on our part. We have corrected the final RMP/EIS and identified May Grimsley as the permittee for the Upper Dog Creek Allotment (5457).

H-34

BLM has no evidence of significant off-site erosion caused by prairie dogs.

H-35

Please refer to the preferred alternative discussion for the Prairie Dog and Black-footed Ferret Management issue in Chapter 2 of the final RMP/

EIS. Animal damage control on prairie dog towns within the 7km Complex would be allowed. Restrictions on using M44s, traps and snares would be necessary to avoid accidentally taking black-footed ferrets.

H-36

These prairie dog towns were improperly located and have been corrected on Map 7 in the final RMP/EIS.

H-37

Reintroduction is placing an animal or plant that previously inhabited an area, back into that specific area.

H-38

Various techniques have been developed to study ferrets. Summer night spotlighting and winter snow tracking are the most common methods. Also, radio tracking will be used to follow released ferrets.

H-39

The Black-footed Ferret Recovery Plan (1988) states that recovery of the ferret will consist of establishing 1,500 animals in 10 distinct populations of 30 or more adult animals scattered throughout its historic range.

Not all of the reintroduction areas in the ferret's historic range can support much more than 30 adult animals. However, the reintroduction area analyzed in this RMP/EIS could support more than the minimum population of 30 adult ferrets.

H-40

The consultation will be informal rather than formal. The cooperative effort that has and will continue to take place with the FWS, MDFWP, BLM and the cooperative landowners will provide consultation almost on a daily basis.

H-41

BLM developed a shooting program in 1984. This program has not controlled the prairie dog, but has slowed expansion. Poisoning was done on town B-080 in 1990. BLM is in the process of measuring the prairie dog towns now to determine whether expansion has taken place since 1988.

H-42

Prairie dog control and black-footed ferret reintroduction was an issue identified during the initial phase of the RMP. Through the RMP, BLM will make the final decision concerning what BLM land will be available for black-footed ferret reintroduction in the Phillips RA.

H-43

Prairie dog towns are very dynamic (constantly changing). When the climate is wet the towns contract because of increased forage production on the town. When the climate is dry the towns expand. Measuring prairie dog towns gives BLM a point on which to base management changes. The size of a prairie dog town determines the occupancy and spacing of prairie dog families; the larger the prairie dog town, the less occupation there is toward the center. The perimeter of the towns seems to have a large number of dogs for a variety of reasons; some are food related, others social. The litter stays with the female for almost a year in a loose family group. Just prior to her giving birth to a new litter, she kicks the old litter (yearlings) out and they begin to establish their own family groups. Family groups have territories throughout the prairie dog towns and most of the yearlings must set up new territories on the edge of the town, thus increasing the density of the prairie dogs near the edge of the town. Others will disperse to locations outside the town and if conditions warrant, they establish a new town.

BLM is using is a Geographic Positioning System (GPS, a electronic satellite mapping unit) to measure each dog town. The process is quick and repeatable.

H-44

The FWS will make the decision to reintroduce the black-footed ferret as an experimental, non-essential or an endangered species. BLM only has the authority to provide the habitat for the black-footed ferret and long-term recovery. The draft reintroduction plan prepared by the MDFWP and FWS became available for public comment in December 1991, and did recommend reintroduction as an experimental, non-essential population.

H-45

Methods used to control the black-footed ferret on private land in south Phillips County could include cooperative agreements. This agreement could allow the ferret to remain on private land if or where it inhabits that land. The agreement could also allow the FWS to remove the ferret from private land. A private citizen cannot remove or handle a ferret without proper authorization under the ESA.

H-46

The black-footed ferret is an endangered species and is now considered the rarest mammal in North America.

H-47

A shooting program is incorporated into BLM's prairie dog management program and will be monitored as a control tool.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN

I-1

The ACECs were nominated by BLM, the public or other agencies. The nominations and nominators are shown in Table H.1 in Appendix H of the final RMP/EIS. BLM may receive a nomination for an ACEC at anytime. No formal or special procedures are required. An interdisciplinary team evaluates each area nominated to determine if it meets both the relevance and importance criteria. Evidence of relevance and importance may be secured from BLM or non-BLM sources, or from professional judgments, written comments and expert opinions. If an area does not meet the criteria, analysis supporting that condition is documented and the nomination is not considered as a potential ACEC. If an area does meet both the relevance and importance criteria, the nomination is a potential ACEC and is considered through development of alternatives to determine the need for special management through an RMP or an amendment to an RMP. If an area requires special management, the nomination is designated an ACEC.

I-2

All comments received during the public comment period on the draft RMP/EIS were considered in preparation of the final RMP/EIS. Comments received on the draft RMP/EIS are included in Volume 2 of the final RMP/EIS. This includes the comments on the ACECs.

I-3

The areas recommended for ACEC designation in the draft RMP/EIS are considered potential ACECs. The final RMP/EIS and subsequent ROD may or may not recommend designation, based on the need for special management.

I-4

An ACEC highlights an area that requires special management attention, given the relevant resources present and the importance of those resources. While Rock Creek in the Snowy Mountains is a representative sample of a plant community, the botanical community is not unique to Rock Creek and the area does not meet the ACEC criteria for relevance and importance.

I-5

Figure 2.1 on page 23 of the draft RMP/EIS shows the visual resource management (VRM) classes based on a process that considers scenic quality, sensitivity to changes in the landscape and distance zones. Each class has a management objective which prescribes the level of acceptable change in the landscape. The management objectives only apply to BLM land. Figure 2.1 has been replaced with Map 1 in the final RMP/EIS which displays the VRM classes on public lands administered by BLM. The VRM classes are not scenic area ACECs.

Three other ACEC nominations were considered for their scenic values; Anderson Bridge, Square Butte ONA and Bitter Creek WSA. Anderson Bridge and the Bitter Creek WSA did not meet the ACEC criteria and the nominations were not considered as potential ACECs. Square Butte ONA met the criteria and is recommended for designation as an ACEC for its natural endemic systems, cultural sites, scenic qualities and rare geologic features unique to Montana. No other ACEC nominations were received that included scenic values as one of the reasons for the nomination. Please refer to Appendix H in the final RMP/EIS for additional information on the ACEC nominations.

I-6

BLM appreciates your concerns about ACECs and your apparent nominations. Before these nominations can be evaluated, BLM would need an accurate map depicting the exact geographic area of the nominations and a list of the primary resources for which each nomination is made. This information was requested from the nominators by BLM in January, 1992, but was not received. BLM will consider these nominations in the future when additional information is provided.

I-7

BLM can close areas to oil and gas leasing and pursue withdrawals from mineral entry without an ACEC designation.

I-8

The management guidance for the ACECs provides for the orderly development of consumptive uses, i.e., mineral development, while protecting the values for which the areas would be designated. Given the resource potential and the unique values within the ACECs, Azure Cave would remain withdrawn from mineral entry and withdrawals would be pursued for Square Butte and Big Bend of the Milk River. The other proposed ACECs (Acid Shale-Pine Forest, Judith Mountains Scenic Area and Prairie Dog Complexes) do not require withdrawals to achieve the management objectives. Under the preferred alternative in the final RMP/EIS, Collar Gulch would not be designated an ACEC and the area would remain open to mineral entry.

I-9

The management prescriptions for the Judith Mountains Scenic Area have been revised to clarify the intent of management in the area. Under the preferred alternative in the final RMP/EIS, Collar Gulch would not be designated an ACEC and the area would remain open to mineral entry.

I-10

The regulatory effect of an ACEC designation requires operators that could normally submit a Notice for surface disturbing activities of less than 5 acres to submit a Plan of Operations (43 CFR 3809.1-4(b)(3)).

Surface disturbing activities in progress under a Notice at the date of ACEC designation could proceed to completion of the described activity without filing a Plan of Operations. A major modification to the activity, or extension beyond the time frames contained in the Notice, would require the operator to submit a Plan of Operations.

Surface disturbing activities in progress under a Plan of Operations at the date of ACEC designation could proceed to completion of the described activity without filing a new, or amended, Plan of Operations. However, if the authorized officer (AO) determines the existing Plan of Operations is not adequate to protect the ACEC values, the AO may request the operator to modify the Plan of Operations consistent with 43 CFR 3809.1-7.

I-11

Management prescriptions for ACECs apply only to BLM land. BLM does not have the authority to apply prescriptions to private land.

I-12

BLM has evaluated the recent data on the Mountain Plover ACEC nomination on Little Beaver Creek in Valley County. Based on this information, the nomination meets both the relevance and importance criteria for a potential ACEC designation. As a potential ACEC, alternatives for the area must be developed to determine if special management is needed. This requires the release of a draft document with a minimum 60-day public comment period. Nominations which meet the criteria as potential ACECs must be reviewed through the Bureau's planning and NEPA processes. The ACEC nomination will be considered in an amendment to this RMP/EIS.

I-13

BLM is not aware of any information or data to show that there would be a negative effect on private property values due to an ACEC designation. Special management for an ACEC would only apply to public lands administered by the BLM. BLM does not have the authority to compensate private landowners.

I-14

The Mixed-Grass Prairie nomination was received during the internal review of the preliminary draft RMP/EIS in November 1990. To maintain the planning schedule and commitment to the public, BLM did not add additional nominations to the document at that time. If this nomination qualifies for further consideration, per the ACEC criteria, alternatives for special management will be considered through an amendment to the Judith-Valley-Phillips RMP/EIS. Nominations which meet the criteria as potential ACECs must be reviewed through the Bureau's planning and NEPA processes.

The nomination is south of the Grassland National Park in Canada and would be a contiguous U.S. extension to the Canadian National Park.

I-15

The alternatives in the RMP/EIS where developed based on the issues, resource potential and conflicts identified during public scoping. A total mineral withdrawal for the Little Rocky Mountains was not developed based on the resources in the area. During the public comment period on the draft RMP/EIS, numerous letters were received nominating the Little Rocky Mountains as an ACEC and recommending a withdrawal from mining. If this nomination qualifies for further consideration, per the ACEC criteria, alternatives for special management will be considered through an amendment to the Judith-Valley-Phillips RMP/EIS. Nominations which meet the criteria as potential ACECs must be reviewed through the Bureau's planning and NEPA processes.

The Little Rocky Mountains have mineral potential and existing mining claims. Multiple use management would provide for mineral development along with other uses. Mineral development would be guided by recommendations that are developed out of environmental assessments that are required for a Plan of Operations.

I-16

The concern for the plant communities on Saddle Butte would be addressed in an EA for any mining exploration permit in the Little Rocky Mountains. Nothing has been done or changed in the BLM management of the area since it was nominated as an ACEC. Personnel have visited the area over the past few years, but the area has not been recently monitored for various resource values. The area is

not open to livestock grazing, so monitoring for livestock trespass has not been a priority workload.

I-17

The Saddle Butte ACEC nomination was received during the internal review of the preliminary draft RMP/EIS in November 1990. To maintain BLM's planning schedule and commitment to the public, BLM could not include additional nominations to this RMP/EIS. If this nomination qualifies for further consideration, per the ACEC criteria, alternatives for special management will be considered through an amendment to the Judith-Valley-Phillips RMP/EIS. Nominations which meet the criteria as potential ACECs must be reviewed through the Bureau's planning and NEPA processes.

The Joiner Coulee and Woody Island Coulee ACEC nominations were re-evaluated based on new information received during the public comment period, but did not meet the relevance and importance criteria. No plants identified by The Nature Conservancy were considered threatened or endangered. Two plants identified by The Nature Conservancy as being rare were found in the Joiner Coulee site during drought periods, however it is not known if these plants are localized or are commonly found in the pothole country when climatic conditions are more favorable. BLM anticipates completing more inventories and studies in these areas in the future. If future information indicates these sites meet the relevance and importance criteria, alternatives for special management will be considered through an amendment to the Judith-Valley-Phillips RMP/EIS.

I-18

Old Scraggy Peak is part of the Little Rockies Special Recreation Management Area (SRMA MT 06520) which has been identified as a key component of the Recreation 2000 Tri-State Strategy Plan (1990). One of the objectives for the district's recreation program has been to prepare an activity plan and monitor this area when funding becomes available. Your information on hiking trails and recreational opportunities is appreciated as well as helpful and will be included in the development of a recreation plan for the Little Rocky Mountains.

I-19

Old Scraggy Peak was nominated as an ACEC for its prominence in the Little Rocky Mountains. The nomination was evaluated and did not meet any relevance and importance criteria and was not recommended for further consideration as an ACEC. Subsequently, Old Scraggy was identified as having cultural significance in a report by Dan Flemmer in June 1990, and in an affidavit by Virgil McConnell in August 1990.

Old Scraggy Peak will be considered as a new ACEC nomination based on cultural resources and evaluated along with two other new nominations for the area; Saddle Butte and the Little Rocky Mountains. If this nomination qualifies for further consideration, per the ACEC criteria, alternatives for special management would be considered through an amendment to the Judith-Valley-Phillips RMP/EIS. Nominations which meet the criteria as potential ACECs must be reviewed through the Bureau's planning and NEPA processes.

I-20

The Itchpair Slough nomination does not meet the relevance criteria for: significant historic, cultural, or scenic values; fish and wildlife resources; natural process or systems; or natural hazards. The nomination does not have substantial significance and values to meet the importance criteria. The northern portion of the planning area is within the Prairie Potholes region, the most important waterfowl producing area in North America. Itchpair Slough is within this area, but is not substantially different than other waterfowl producing areas within the Phillips and Valley RAs. There are no known threatened or endangered species occupying or nesting in the immediate area. While Itchpair Slough is a known sandhill crane stopover point it is not known as a nesting area. There are no known nesting areas in the Valley RA (based on information from the MDFWP).

I-21

While Rock Creek does meet the relevance criteria for its scenic values and is considered locally significant (other nearby areas have similar scenic values; Eagle Nest Coulee and Frenchman Creek), it does not have substantial significance and values to meet the importance criteria.

JUDITH MOUNTAINS SCENIC AREA ACEC

J-1

BLM nominated the South Moccasin-Judith Mountains Scenic Area ACEC. This area was nominated for its mostly undisturbed visual qualities, wildlife and recreation values and the large block of BLM land it contains. BLM manages most of the surface acres and subsurface mineral estate in the nominated portion of the Judith Mountains. BLM also manages most of the subsurface in the relative portion of the South Moccasin Mountains.

The management objectives for the South Moccasins portion of the ACEC could not be achieved given the land ownership in the area. The preferred alternative has been revised to only include 3,702 BLM acres in the Judith Mountains as a proposed ACEC.

J-2

The South Moccasin-Judith Mountains Scenic Area was nominated as an ACEC because of its mostly undisturbed visual qualities, wildlife and recreation values and the large block of BLM land it contains. This particular area highlights the tourism backdrop for the largest central Montana community, Lewistown, and provides for sightseeing within the scenic corridor of several major highways leading into the Lewistown community.

Other planning area mountain ranges and river valleys possessing Class II visual resource ratings do not have the undisturbed vistas or do not have sufficient blocks of BLM land ownership to warrant special management attention. Several of the Breaks areas are in wilderness study status and a portion of those Class II areas have been recommended for wilderness designation. Such designation would contain management prescriptions for maintaining the visual character of those areas.

J-3

Significant scenic, wildlife and recreation values are found in that portion of the Judith Mountains forming the backdrop for the City of Lewistown. This is the key backdrop that provides the scenic setting for residents and travelers living in or passing through Lewistown. The Class "B" category is indicative of the excellent scenic quality rating for the area. This area is the dominant visual feature on the landscape and can be seen quite readily from the community of Lewistown and from highways U.S. 191 and U.S. 87.

J-4

A summary of the evaluation for the Judith Mountains Scenic Area ACEC nomination is described in Appendix H of the final RMP/EIS. This nomination meets Relevance Criteria 1; significant scenic values are found in this area with a Class "B" scenic category and VRM Class II rating. This nomination also meets Importance Criteria 1 and 2; the scenic values have regionally significant qualities which are vulnerable to adverse change.

J-5

BLM chose the preferred alternative because it recognizes and provides priority management and protection to unique resources in the planning area. The management guidance provides for the orderly development of consumptive uses (mineral development, timber practices, etc.) while protecting the values for which the area would be designated an ACEC.

J-6

The purpose of the proposed ACEC is to protect the visual resources to the maximum extent feasible and still allow mining activity to continue. To that end, the management prescriptions list possible mechanisms by which this may be achieved. Of course the larger and more visible the project, the greater the effort required to maintain the visual qualities of the scenic area. A strict interpretation of the preferred alternative, as written in the draft RMP/EIS, could have effectively restricted open-pit mining in portions of the scenic area. This was not BLM's intent and this section of the document has been revised. It is conceivable that a large, open-pit mining proposal, situated in a highly visible locale, could not be mitigated to meet the management objectives of the ACEC. If this occurs, BLM would conduct a detailed project specific analysis prior to proceeding with the proposal.

J-7

The Judith Mountains Scenic Area ACEC would require "special management" to mitigate impacts to resources from surface disturbing activities. Special management requires an ACEC designation. Mining is one use in the area that would require special considerations during approval of a Plan of Operations. The area would be managed for multiple-use and special management actions would include limiting off-road vehicle travel to designated roads and trails, establishing an avoidance area for ROWs, oil and gas leasing with a controlled surface use stipulation, restricting management of forest products and prescriptions for mine plans to maintain the long-term visual character of the area.

J-8

The South Moccasin portion of the Scenic Area ACEC has been dropped from further consideration in the preferred alternative. The management objectives for the South Moccasins portion of the ACEC could not be achieved given the land ownership pattern in the area. The preferred alternative has been revised to include 3,702 BLM acres in the Judith Mountains as an ACEC. BLM would manage this area to mitigate impacts to resources from surface disturbing activities. This management would limit off-road vehicle travel to designated roads and trails, an avoidance area for ROWs, oil and gas leasing with a controlled surface use stipulation, restricted management of forest products and prescriptions for mine plans to maintain

the long-term visual character of the area. This management guidance is determined through a resource management plan with the appropriate NEPA analysis and public review. Please refer to response M-1 for additional information.

J-9

The preferred alternative has been revised to clarify the management prescriptions and the operator's rights under the mining law.

J-10

The preferred alternative has been revised to only include 3,702 BLM acres in the Judith Mountains as an ACEC. This area would not be withdrawn from mining claim location, but BLM would use management prescriptions to maintain the long-term visual character of the area. The preferred alternative has also been revised to clarify these management prescriptions and the operator's rights under the mining law.

J-11

The management prescriptions for the Judith Mountains Scenic Area would only apply to public lands administered by BLM. The majority of the surface and subsurface ownership in this part of the Judith Mountains is BLM. While disturbances on adjacent private land would affect the visual resources of the area, given the large block of BLM land, the management objectives can be achieved.

J-12

The Judith Mountains Scenic Area ACEC does not include private land. An ACEC designation can only be made for public land and this has been clarified in the final RMP/EIS. BLM does not have the authority to restrict activities on private land.

J-13

The exact degree of camouflaging necessary would be determined on a project/facility specific basis. A visual contrast rating would be applied to a project component to evaluate its potential impact after BLM receives a Plan of Operations. Possible mitigating measures would then be evaluated and discussed with the operator. These could range anywhere from simply purchasing equipment of a certain color, to alternate construction/operating designs. Selection of mitigation would then be made based on cost, reasonableness and effectiveness in minimizing visual impacts.

J-14

This could include either total or partial screening from view. Screening could also be used in combination with some camouflaging techniques.

J-15

This has been considered in the plan. Alteration of the foreground or middle ground is easier to mitigate than changes in the skyline. Mineral resource data for the Judith Mountains Scenic Area indicates high resource occurrence potential in closer proximity to the skyline.

J-16

Under the preferred alternative, the ACEC would remain open to mineral entry. No changes in claim location requirements would be made.

J-17

None of the alternatives in the draft RMP/EIS recommended the area for an ORV closure. Under the preferred alternative, off-road vehicle travel would be limited to designated roads and trails.

J-18

The preferred alternative in the final RMP/EIS lists specific management prescriptions for the Judith Mountains Scenic Area ACEC. These prescriptions allow BLM the flexibility to consider surface mining on a case-by-case basis; as you suggested.

J-19

The management prescriptions developed for the Judith Mountains Scenic Area ACEC allow for consideration of mining proposals on a case-by-case basis. Whether the two hypothetical proposals in your letter would conform with ACEC management objectives cannot be stated at this time. A considerably more detailed description of the action is required from the proponent; with in-depth analysis on BLM's part. Neither proposal would be rejected out-of-hand.

J-20

The preferred alternative described in Chapter 2 of the final RMP/EIS would not withdraw the scenic area from mining, but would apply mitigating measures to Plans of Operation, consistent with the rights granted to the public and the mining claimant under the mining law. Management objectives for the area can be achieved without a protective withdrawal.

J-21

While this area does have some surface disturbances, it is relatively undisturbed as compared to other mountain ranges with large blocks of BLM land (the Little Rocky Mountains for example). The surface disturbances in the Judith Mountains Scenic Area are not visible to the casual observer and the North Moccasin Mountains are not part of the Scenic Area ACEC.

J-22

The scenic area is the landscape that can be directly seen under favorable atmospheric conditions from a viewpoint (observation point) or along a transportation corridor (travel route). The landscape is a composite of land and water forms, vegetation and structures. The objective of the proposed ACEC is to protect or maintain the visual resources present in this landscape in the Judith Mountains as seen from Lewistown. The concept of multiple-use doesn't mean that all resources receive equal value and consideration. Some resources will be recommended as higher priorities and require special management.

J-23

A casual observer is a non-professional individual (i.e. not a landscape architect or visual expert) who would be looking at the landscape from a use area, (travel route, etc.) where the view of a management activity would be the most revealing. Any surface disturbing project, regardless of size, that is noticed or catches the eye of the viewer constitutes a visual disturbance. There is no maximum limit as to where a viewer can see the landscape. Anything noticeable from the immediate foreground to seldom seen distance zones along the travel routes would be under consideration. BLM specialists will make the recommendations, but the authorized officer will make the decision.

J-24

The statement "From the South Moccasin-Judith Mountains Scenic Area, Alternatives E, D and E (Preferred)", indicating restrictions on mineral development . . . "could decrease the social well-being of the local communities" on page 218 of the draft RMP/EIS has been deleted.

J-25

The visual resource contrast rating system is used to analyze potential impacts of proposed projects or activities and for rehabilitating existing projects. It incorporates the four basic design elements of form, line, color and texture for comparison purposes. It is a process that provides a means for determining visual impacts and for identifying measures to mitigate these impacts.

J-26

It is difficult to state the acceptable level of visual intrusion (i.e. mining activity) without a specific proposal. The two main analysis factors would be the visual contrast of the disturbance relative to the VRM Class II standards, and the duration, or permanence, of the contrast. As an example, a pit highwall and a waste rock dump face could have similar visual contrasts. The difference is the dump face is easier to reclaim to meet the VRM Class II standards than the highwall. The acceptability of visual intrusion will be judged after applying all mitigating and reclamation measures.

J-27

The visual resources for the Judith Mountains were documented by an interdisciplinary team in 1977. The observation points were travel routes including highways and county roads as well as use areas such as Judith Peak, Maiden Canyon, Limestone Canyon, Lewistown, Hilger, Roy and Gilt Edge. The definition of an observation point is: one or a series of points on a travel route or at a use area or a potential use area, where the view of a management activity would be most revealing. This RMP/EIS incorporates the data from this existing visual resource inventory to develop the Judith Mountains Scenic Area ACEC using the community of Lewistown and associated travel routes as the observation points.

Lewistown is the key observation point for the Judith Mountains Scenic Area ACEC. The scenic area was established at an elevation of approximately 4,100 feet or the top of the hill on main street in Lewistown.

J-28

Certain types of recreationists prefer and enjoy the solitude of hiking and sightseeing without any man made structures and/or noise from various operations.

J-29

The South Moccasin portion of the scenic area ACEC has been dropped from further consideration. The Judith Mountain portion of the scenic area is proposed for designation as an ACEC and would apply management prescriptions on surface disturbing activities. The impact could be the possible restriction/loss of one mineral deposit for development (see Appendix C). This is still judged to be a significant negative impact to mineral resources.

J-30

To date, no landowners within the South Moccasin Mountains have indicated an interest in a land exchange.

J-31

The three hypothetical mining operations detailed in Appendix C are representative of possible future development and were used to estimate impacts. As indicated on page 213 of the draft RMP/EIS, two small open-pit operations could potentially be foregone in the scenic area ACEC under the

preferred alternative ("Open-pit #1" in Appendix C). The preferred alternative in the final RMP/EIS, includes a table in the analysis of economic impacts in the scenic area ACEC section to display the revenue, operating costs (regional expenditures), employment, wages and tax revenues that could be foregone if mineral development were restricted.

J-32

Figure 3.9 has been updated to show gross production values through 1991, for both Fergus and Phillips Counties. Additionally, the preferred alternative in the final RMP/EIS includes a table in the analysis of economic impacts in the Scenic Area ACEC section to display the revenue, operating costs (regional expenditures), employment, wages and tax revenues that could be foregone if mineral development were restricted.

The size of the potentially foregone operations described in the draft RMP/EIS was based on information regarding development potential and was significantly smaller than the Kendall Mine. Any future development may or may not resemble either the hypothetical operations or the Kendall Mine. The final RMP/EIS, estimates only one open-pit operation could be restricted/foregone and the impacts described reflect a larger open-pit operation than described in the draft RMP/EIS.

J-33

Increased economic activity would mainly reflect increases in tourism in the region. Because Montana has no sales tax, it is extremely difficult to estimate the impact of tourism and recreation in the state or regions of the state. However, accommodations taxes ("bed taxes") levied for lodging, do provide a sketchy picture of tourism and travel, but this data is insufficient for estimating tourism impacts and since this tax has been in effect only since July 1, 1987, it is still too early to provide much analysis of trends. Biennial surveys conducted by the University of Montana's Institute for Tourism and Recreation Research (ITRR) provide the best picture of the impact of tourism to the state. This information is reported for the state's six regional tourism areas, not by community or county. Thus, the best data available on tourism and recreation activity does not provide a basis for projections of future economic activity such as output, employment and taxes for the level of detail associated with management within the Judith Mountains Scenic Area ACEC.

Discussions with planning area residents indicated recreation is very important to meeting their lifestyle needs (see pages 147 to 148 of the draft RMP/EIS). Activities that would hinder meeting these needs, or would make these needs easier to meet, could affect the social well-being of area residents. In this case, a decline in the quality of hiking and sightseeing due to noise traffic and road building associated with mining could cause a decline in the social well-being of individuals who enjoy in these activities.

J-34

The estimated economic impacts to mineral development in the Judith Mountains Scenic Area ACEC were not based on 1987 data; the impacts were based on the hypothetical mining operations that appear in Appendix C of the RMP/EIS. The two mining operations that could be restricted/foregone in the ACEC under the preferred alternative in the draft RMP/EIS were estimated to be similar to "Open-pit #1" in Appendix C. As described in the draft RMP/EIS, the impact from the potential loss of these operations could be significant. However, it should also be noted that while two operations could be potentially foregone under this alternative, seven mining operations could potentially be developed in the Judith RA; potentially resulting in significant opportunities for mining-related employment, expenditures and tax revenues (see pages 207 to 208 of the draft RMP/EIS). Under the preferred alternative in the final RMP/EIS, only one operation could be potentially restricted/foregone.

Figure 3.9 on page 139 of the draft RMP/EIS, which shows the gross value of metal mine production for Fergus and Phillips Counties, has been updated to show the gross value of production through 1991.

J-35

The preferred alternative analysis in the final RMP/EIS, includes a table summarizing the impacts to revenue, operating costs (regional expenditures), employment, wages and tax revenues. The size of the potentially restricted/foregone operations described in the draft RMP/EIS was based on information regarding development potential and was significantly smaller than existing operations in the area (the Kendall Mine, for example). Actual future development may or may not resemble either the hypothetical operations or existing operations. In the final RMP/EIS, it is estimated that only one open-pit operation could be restricted/foregone. The impacts described reflect a larger open-pit operation than described in the draft RMP/EIS.

ACID SHALE-PINE FOREST ACEC

K-1

The preferred alternative, would not exclude livestock grazing from the Acid Shale-Pine Forest ACEC and BLM would manage the area.

K-2

There are no known hard rock mineral deposits and a very low potential for risk of mineral entry within the proposed Acid Shale-Pine Forest ACEC. Management objectives for the area can be achieved without a protective withdrawal.

K-3

There is only moderate occurrence potential for bentonite resources in the proposed Acid Shale-Pine Forest ACEC and bentonite development is not reasonably foreseeable in this area. Designation of an ACEC does not "encourage" mineral activities.

K-4

Through the planning process, BLM must determine if a potential ACEC requires special management attention. Areas requiring special management are designated ACECs. Chippewa Creek and Fords Creek do not require special management and are not included in the preferred alternative.

K-5

The preferred alternative does not recommend the area for withdrawal from mining claim location while Alternative D does recommend a withdrawal. Management objectives for the area can be achieved without a protective withdrawal.

SQUARE BUTTE ONA ACEC

L-1

Legal access would be pursued to the ACEC for a trailhead as well as a trail network to the butte. Access within the ACEC would be limited to non motorized uses; the area would be closed to off-road vehicles.

L-2

Monitoring Square Butte would depend on budget and staff availability. Funding levels would affect the timing and implementation of management actions and project proposals, but would not affect the resource guidance made under this RMP/EIS for Square Butte.

L-3

Management objectives for the Square Butte ONA ACEC can be achieved through a no surface occupancy restriction while allowing perimeter leasing to protect the area from drainage.

COLLAR GULCH ACEC

M-1

The draft RMP/EIS recommended a protective withdrawal for Collar Gulch to segregate the area from mining claim location to protect a pure strain of westslope cutthroat trout. The rational was that the withdrawal would provide a no risk situation for the westslope cutthroat trout from water pollution. However, even with a withdrawal, there would be mining claims within the area with valid existing rights. These claims would not be affected by the withdrawal.

The preferred alternative in the final RMP/EIS would not designate collar Gulch an ACEC and the area would remain open to mineral entry. The area has a high and moderate development potential for hardrock minerals, existing mining claims and a history of mining activity. Potential impacts due to mining would be addressed during individual project review. Using the resource data available, management objectives for the area would be achieved through alternate operating practices. Mitigating measures would be evaluated in a Plan of Operations during individual project technical review and environmental analysis.

M-2

The BLM has no permitting authority over actions occurring on patented (private surface) claims. BLM would be involved when: activities on private land are impacting BLM managed land; access to private land would cross BLM managed land; or a mineral development project includes a mix of BLM and private land, requiring BLM to analyze the cumulative impacts of the entire project on the affected environment per NEPA.

M-3

The 1,618 acre area includes the Collar Gulch drainage and Tate-Poetter Cave. Under Alternative C, about 1,160 acres would be designated an ACEC; this would not include the entire drainage. The preferred alternative in the final RMP/EIS, would not designate Collar Gulch an ACEC and the area would remain open to mineral entry.

M-4

Activity plans are completed to implement the management prescriptions defined in an RMP and are based on the need of a particular area. This could include how BLM implements an ORV closure, the measures to stabilize fish habitat, how recreation use in an area would be managed, any signing needs and patrol or enforcement needs that should occur. Affected individuals, groups or agencies may be consulted during the preparation of an activity plan. Public meetings or a mass mailing are usually not conducted since decisions on management are made in the RMP which has a formal public comment period.

The preferred alternative in the final RMP/EIS would not designate Collar Gulch an ACEC and the area would remain open to mineral entry.

M-5

The withdrawal proposed in the draft RMP/EIS would be for the federal mineral estate within the ACEC area; about 1,618 acres. The preferred alternative in the final RMP/EIS, would not designate Collar Gulch an ACEC and the area would remain open to mineral entry.

M-6

Validity examinations would only apply to unpatented mining claims.

M-7

The preferred alternative in the final RMP/EIS no longer proposes a withdrawal for Collar Gulch; therefore no mining operations would be foregone. If a withdrawal alternative had been selected, the loss of one mining operation was projected based on restricting mineral entry and exploration that could lead to mine development. This would not necessarily have been the Tail Holt Mine. Any withdrawal has to honor mining claims that are valid as of both the withdrawal and claim examination date. That means valid claims would either have to be allowed to proceed to full development or purchased from the claimant at fair market value.

M-8

The westslope cutthroat trout in Collar Gulch is considered a Class A species of special concern by the MDFWP. Table 2.1 has been revised to include the westslope cutthroat trout. BLM's policy is to manage species of special concern in such a manner as to not contribute to a possible upgrading to T&E status. Please refer to response M-1 for additional information concerning Collar Gulch.

M-9

The westslope cutthroat trout, which inhabits Collar Gulch Creek, has become increasingly rare in Montana due to a loss of habitat, loss of populations and genetic dilution. The trout inhabit about a mile of the creek, partially on BLM land. The most reliable part of the creek (the upper 1/4 mile) is on BLM land and is fed by springs, which allow this population to survive during drought conditions. The other 3/4 of a mile can be dry during a drought. The number of fish is estimated at about 200.

M-10

The ACEC designation would apply only to BLM land (1,618 acres). This is approximately 85% of the land within the drainage occupied by the westslope cutthroat trout. The trout inhabit about a mile of the creek partially on BLM land. The most reliable part of the creek is the upper 1/4 mile on BLM land. The other 3/4 of a mile can be dry during a drought. Please refer to response M-1 for additional information concerning Collar Gulch.

M-11

The westslope cutthroat has been added to Table 2.1.

M-12

Other cutthroat trout populations in the Judith Mountains have not been genetically analyzed. The outcome of analysis would not change the status of the westslope cutthroat trout in Collar Gulch, which is considered a Class A species of special concern by the MDFWP.

The Collar Gulch ACEC was nominated by Doug Ayers (BLM wildlife biologist) based on reports by Jim Barnum, (BLM fisheries biologist in 1977) and a genetic analysis report by Robb Leary and Fred Allendorf of the University of Montana.

M-13

The source of the fish is not known. BLM and the MDFWP investigated the source in the late 70s and could find no written information confirming introduction.

M-14

Please refer to response M-13 for information on the source of the westslope cutthroat trout. Pure strain means the trout's genetics have not been changed by man's interference such as cross breeding.

BLM's policy is to manage species of special concern in such a manner as to not contribute to a possible upgrading to T&E status. Under the preferred alternative in the final RMP/EIS, Collar

Gulch would not be designated an ACEC and the area would remain open to mineral activity.

M-15

The upper limits of the westslope cutthroat trout has survived severe drought because of the presence of springs. Finding a stream suitable of maintaining trout that does not already contain fish is unlikely.

M-16

BLM does not have any information on the lower reach of the trout that differs from yours.

M-17

Collar Gulch has been inventoried and no other fish species were present. Trout in other creeks have not been genetically tested.

M-18

The westslope cutthroat trout is native to the northern Rocky Mountains. Historically, there were about 6,900 miles of stream east of the divide that had a pure strain; today there are only 8 known miles of pure strain trout remaining. How the pure strain began in Collar Gulch is not significant.

M-19

The draft RMP/EIS has been revised to indicate the confirmed presence of the Townsend's big eared bat.

M-20

The Townsend big eared bat is a Montana species of special concern. It is also a FWS Category 2 species which means it is being studied for T&E listing.

M-21

Additional consultation is needed with FWS and bat experts to determine safe distances for mining activities.

M-22

The draft RMP/EIS recognizes the importance of the Tate-Poetter Cave as a bat hibernaculum and because it possesses significant cave resources such as spelothems (page 135 of the draft RMP/EIS). The preferred alternative in the draft RMP/EIS recommended that mining activity that could physically impact the Tate-Poetter Cave not be allowed. Part of the rational for special management in the draft RMP/EIS was the presence of Tate-Poetter Cave. Under the preferred alternative in the final RMP/EIS, Collar Gulch would not be designated an ACEC and the area would remain open to mineral entry.

M-23

The Tate-Poetter Cave in the Collar Gulch area is considered a "significant cave resource" under the 1988 Federal Cave Resources Protection Act because it contains classic cave formations such as flowstone, stalactites and stalagmites, etc., and the presence of Townsend's big eared bats. Until final regulations are issued for implementation of this Act, BLM will protect and maintain all caves on public lands administered by BLM. A temporary gate structure that restricts public access but allows free movement of the bats may be installed as a protective measure.

M-24

The Tate-Poetter Cave in the Collar Gulch area is considered a "significant cave resource" under the 1988 Federal Cave Resources Protection Act. As an interim management measure by BLM, the cave location will not be shown on a public map until an activity plan can be implemented. A preliminary survey by National Speological Society (NSS) members estimates the cave to be 1,000 feet long and 260 feet deep. This particular cave is habitat for Townsend's big-eared bat, a Category 2 species listed by the FWS.

M-25

There is no evidence of mining activity in Tate-Poetter Cave. It is considered as a natural, wild cave. Until final regulations are issued for the implementation of the Federal Cave Resource Protection Act of 1988, BLM will protect and maintain all caves on public lands administered by BLM. This cave system meets that criteria with special emphasis on the bat habitat. Further inventory work needs to be done for cultural and paleotological values.

M-26

Visitors to the site or nearby mining activity could adversely affect the bat population and speleothems (formations) inside the cave. A temporary gate structure that restricts public access, but allows free movement of the bats may be installed as a protective measure. Drilling, blasting, etc. would be restricted on an interim basis until further inventory and analysis could be completed by BLM.

M-27

The intent of the prescription was to avoid surface disturbing activities to Collar Peak Trail, and to protect BLM's investment and the area's prime recreational route. This would not be a prohibition, but would require adequate justification when a new activity cannot be placed in another location. There should be very few activities which would require relocating of the trail and if authorized,

would have to be paid for by the responsible party. Please refer to response M-1 for additional information concerning Collar Gulch.

M-28

The Collar Gulch ACEC was proposed mainly to protect the resident population of westslope cutthroat trout. A secondary consideration is the protection of the Tate-Poetter cave. Existing state and federal laws do protect the existing water quality in that portion of Collar Gulch Creek which supports the westslope cutthroat trout. Under the preferred alternative in the final RMP/EIS, Collar Gulch would not be designated an ACEC and the area would remain open to mineral entry.

M-29

Past monitoring by BLM indicates elevated levels of iron, manganese and lead in the headwaters of Collar Gulch Creek. It is unknown at this time whether these elevated levels are the result of man's activities or are naturally occurring. Future monitoring may disclose the source of these contaminants. The elevated levels of contaminates appear to be confined to the headwaters of the creek, approximately one mile upstream of the trout fishery. The contaminates become diluted to acceptable levels by the time they reach the portion of the stream inhabited by the trout.

M-30

BLM does not have a claim for water rights on Collar Gulch Creek and has no legal right to restrict water withdrawal in Collar Gulch Creek on private land. One claim does exist on Collar Gulch Creek. That claim is owned by the Spotted Horse Mine, claim # 40B-W123353, for 150 gallons per minute up to 225 acre foot per year.

M-31

Under the preferred alternative in the draft RMP/EIS the Collar Gulch road was proposed for ORV closure where it is located on BLM land. Map G has been corrected and under the preferred alternative in the final RMP/EIS Collar Gulch would be limited yearlong to designated roads and trails and the Collar Gulch road would be open.

M-32

Figure 2.13 depicts the general areas that are closed, limited yearlong and limited seasonally to off-road travel. Map D shows in more detail the Collar Gulch area. Under the preferred alternative in the final RMP/EIS, off-road travel in Collar Gulch would be limited yearlong to designated roads and trails and the Collar Gulch road would be open.

M-33

The patented mining claims were incorrectly depicted on Map D. The map has been corrected.

M-34

Fish habitat improvements on private land would not be done without a cooperative agreement with the landowner.

M-35

BLM has no authority to place restrictions on private roads.

M-36

An example of a stream enhancement structure, would be a small 1 to 2 foot dam which would help create pools. Adjacent landowners would be contacted prior to any such action.

AZURE CAVE ACEC

N-1

Access into Azure Cave is addressed under the preferred alternative in Chapter 2 of the final RMP/EIS. Implementation would include a more detailed activity plan to determine the appropriate time periods for access into the cave based on the sensitivity of the bats and the level and type of developments for the cave. This activity plan would include more inventory information to determine the appropriate management activities to protect the bats. Cave access would not be allowed until safe access into the cave is developed, which may include a caged ladder and lights.

N-2

The entrance to Azure Cave, according to the 7.5 minute topographic map of the area, is 1,000 feet or more from all boundaries of the 140 acre withdrawal. Cave surveys from 1979 and earlier indicate the furthest surveyed location inside the cave is about 450 feet from the entrance in a southwest direction. This leaves a distance of at least 600 feet from any boundary of the withdrawn area which would be enough to protect the caves resources.

N-3

Azure Cave has a 140 acre mineral withdrawal covering the area around the cave. If mining occurs near the Azure Cave ACEC, a Plan of Operations would be filed for disturbances greater than 5 acres. The State of Montana and BLM would review the plan and prepare an environmental assessment on how mining would affect the area, including Azure Cave. Mitigating measures would be developed to protect the cave's values.

N-4

There are no systematic investigations of bat populations in and around the Little Rocky Mountains. However, there was a bat study conducted by Chester, et al in 1978 for Azure Cave which identified a variety of bat species and identified the cave as a hibernaculum. At the time of the study, this was the northern most hibernaculum in the United States.

BIG BEND OF THE MILK RIVER ACEC

O-1

Management of the Big Bend of the Milk River ACEC is addressed under the preferred alternative in Chapter 2 of the final RMP/EIS. The Henry Smith Site would be developed for public and scientific use including interpretation and public education, while the Beaucoup Site would be managed for scientific use.

O-2

Under the preferred alternative in the draft RMP/EIS, approximately 800 acres in the Big Bend of the Milk River area were identified that met the acquisition criteria for cultural resources. The final RMP/EIS does not include a list of lands meeting the acquisition criteria and the 800 acres are not identified.

O-3

Map F has been revised to indicate the ACEC boundary and includes a legend.

O-4

There is a potential opportunity to provide over 10,000 recreation visits in the Big Bend of the Milk River area. This is estimated on a similar site for the Madison River Buffalo Jump, west of Bozeman which receives about 14,000 annual visits. The potential revenue in the Big Bend area is based on the number of visits to the area.

ENERGY AND MINERAL RESOURCES

P-1

Coal and bentonite are addressed under Management Common To All Alternatives in Chapter 2 and in the Affected Environment Section of Chapter 3 in the final RMP/EIS.

The planning area will be available for coal exploration licenses. Coal licenses to mine for domestic use will be available and use per family may not exceed 20 tons annually. Prior to approving exploration licenses, licenses to mine and coal leases, a project specific environmental review document will be prepared to assess impacts and develop mitigating measures. Prior to issuing large scale surface mining leases, unsuitability criteria will be applied and a plan amendment prepared.

Coal development is not addressed as an issue because the planning area is not in a coal production area and no coal companies expressed interest in coal resources. The only area in the Billings RMP/EIS that was addressed for leasing, pending further study, was within a designated coal production region; the Bull Mountains in the Powder River Region.

P-2

Private coal, defined in the 1986 study, would increase the 49.1 million ton figure by approximately 10%. This resource is defined as having development potential for surface mining based on coal thickness, overburden limits and stripping ratios. These criteria reflect the mining methods used in the Fort Union Coal Region since the mid 1970s and are considered valid from a technology standpoint for the foreseeable future. Marketability is a separate issue and is not reflected in the coal tonnage indicated in the 1986 study.

P-3

Since coal development is not a reasonably foreseeable future action, there are no "Unavoidable Adverse Impacts" or "Irreversible or Irretrievable Resource Commitments" in connection with coal resources.

P-4

Management actions could only have an impact on future coal development in areas with some coal development potential. The prospects for coal development in the planning area are low because: 1) There has been no federal coal mining activity in the planning area in the past 50 years; 2) There are no existing federal coal leases in the planning area; 3) No expressions of interest for leasing or exchange have been identified in either the Fort Union Coal Region (which includes Valley County) or the RMP scoping process; and 4) Forecasting beyond the year 2000 indicates a decline in demand for Fort Union region lignite.

VEGETATION AND GRAZING MANAGEMENT

Q-1

Most BLM land (98%) is in fair, good or excellent ecological condition. Table 3.10 in the final RMP/EIS portrays acres within each condition class.

Q-2

The Fish and Wildlife Service, to date, has no designated T&E plant taxons in Montana. The only Category 1 species *Howellia aquatilis*, occurs in a completely different biome (sloughs in Montana forests south of Swah Lake and north of Seely Lake).

The Montana Natural Heritage Program (MNHP) has completed several studies, including grasslands classifications work, in the planning area. BLM has contracted MNHP to do three more studies in the planning area during the summer of 1992.

The BLM Montana State Office is currently working on a Special Status Species (SSS) plant policy. This policy would designate sensitive plants on all BLM land in Montana, including the planning area. Presently, four plant species are being proposed as BLM-sensitive for this area. Seven more are considered Watch List plants, which although not known to occur here, may be found. Future studies will inventory for them and if found, they may also be designated as BLM-sensitive.

Q-3

Vegetation allocations were determined during the Missouri Breaks Grazing EIS (1979) and the Prairie Potholes Vegetation EIS (1981). About 40% of the vegetation (452,380 AUMs) will continue being allocated to livestock and about 60% of the vegetation will continue being allocated to watershed protection and wildlife forage and cover. Forage for wildlife would continue to come from this allocation.

Q-4

Please refer to Management Common To All Alternatives, Vegetation Management, in the final RMP/EIS, especially the section on "Watershed Management Implementation." The vegetation management practices addressed in this section are being implemented under current management and will continue. Reducing sedimentation (thereby prolonging the useful life of water-related projects) is a primary benefit of vegetation management.

Q-5

The RMP/EIS addresses managing watersheds by recognizing the importance of riparian-wetland areas and the associated uplands. Improving or maintaining these areas would decrease sedimentation; increase streambank stability, vegetation production, wildlife habitat, waterfowl production and recreation opportunities; and improve visual qualities.

Q-6

The impacts of converting rangeland to cropland on private land is outside the scope of BLM's planning. The overall vegetation management objectives, both for uplands (page 13 of the draft RMP/EIS) and for riparian-wetland areas (page 85 of the draft RMP/EIS) will enhance biological diversity though plant succession.

Q-7

Livestock grazing, including management practices to improve range condition, was addressed in previous planning efforts; the Missouri Breaks Grazing EIS (1979) and the Prairie Potholes Vegetation Allocation EIS (1981). Valid management guidance for livestock grazing is carried forward in the Management Common To All Alternatives section of Chapter 2, of the final RMP/EIS, except as modified through the Riparian and Wetland Management of Watersheds issue.

The picture on the cover reflects the nine issues addressed in the draft RMP/EIS; land acquisition and disposal, access to BLM land, off-road vehicle designations, oil an gas leasing and development, hardrock mining, riparian and wetland management of watersheds, elk and bighorn sheep habitat management, prairie dog and black-footed ferret management and special management areas. Livestock grazing was not identified as an issue.

Q-8

Overgrazing may not be corrected by simply reducing livestock AUMs. Proper stocking rates are, however, a key to improved rangeland management. Other factors to consider include proper livestock distribution through herding, salt placement and water developments; fencing; and implementation of a grazing method that will accomplish the objectives set out for that site. Season of use is another consideration as is the kind and class of livestock. Rangeland management involves more than just regulating numbers of livestock.

Q-9

BLM has been implementing rest-rotation and deferred rotation grazing plans directed at improving range conditions since the mid-1960s. The Missouri Breaks Grazing EIS (1979) and Prairie Potholes Vegetation EIS (1981) describe BLM's grazing

management plan. Valid management guidance for livestock grazing is carried forward in the Management Common To All Alternatives section of Chapter 2, except as modified through the Riparian and Wetland Management of Watersheds issue. Currently, 222 allotment management plans (AMPs) are in effect in the planning area involving 1,596,333 acres of BLM land; 132 of these plans have been implemented subsequent to the grazing EISs. Each plan includes specific objectives for improvement or maintenance of the range resource. For the Lewistown District, 18.6% of the BLM lands are in upward trend, 74.6% in static trend, and 0.3% in downward trend, according to monitoring studies (Rangeland Program Summary Update, BLM 1991).

Allotments not currently under an AMP are issued grazing authorizations which limit grazing to specific numbers of livestock and seasons of use.

Q-10

The Judith, Valley and Phillips RAs allocate 542,380 AUMs to livestock (page 14 of the draft RMP/EIS).

Q-11

AUMs are billed from the respective resource area office.

Q-12

The acres of public land administered by BLM are shown in Table 1.1 and on Map 2 located in the back of the final RMP/EIS. The range allotments within the Judith, Valley and Phillips RAs are shown in Appendix M. The economic conditions are described in Chapter 3 and the environmental consequences of implementing the alternatives are described in Chapter 4 of the draft and final RMP/EIS.

Q-13

Appendix M has been revised to include an explanation of the column and abbreviations.

Q-14

BLM does recognize you as a grazing permittee with allotment number 02517 and allotment name Woodcock Coulee. This did not appear in the draft RMP/EIS because the list of allotments shown was compiled prior to establishing your new allotment.

NOXIOUS PLANTS

R-1

BLM has the statutory duty to control and eradicate weeds on BLM land. Noxious weed management is addressed in Chapter 2 of the final RMP/EIS under Management Common To All Alternatives. Noxious plant infestations on BLM land are concentrated along the Missouri River, in the Rock Creek area of Valley County, in the Grass Range area of Fergus County and in other scattered locations. An integrated approach will be used for weed management. The management options include prevention, cultural, biological and chemical control. The treatment choice will be based on site-specific information. Control efforts are being focused primarily on leafy spurge and knapweeds. Control efforts are coordinated with the Lewistown District Grazing Advisory Board, county weed boards and adjacent landowners.

R-2

The private landowner is responsible for weed control, hunters and fence maintenance on private land. BLM is responsible for weed control on BLM land, including rights-of-way. Control efforts will be focused primarily on leafy spurge and knapweeds. Noxious weed management is addressed in Chapter 2, of the final RMP/EIS, under Management Common To All Alternatives.

R-3

Cooperative noxious weed control efforts are continuing in each resource area. Chemical, biological and grazing methods are being integrated to control leafy spurge and knapweeds. Expenditures have averaged about $17,000 per year and 273 acres were treated in 1988 (see Table 3.8 in the final RMP/EIS). Similar levels were treated in 1989, 90 and 91. The Lewistown District has contributed to biological control research, ($20,000 in 1992 for example) and has established a number of flea beetle release sites to control leafy spurge.

WILDLIFE AND FISHERIES MANAGEMENT

S-1

BLM encourages sportsman to be involved in developing AMPs where there are wildlife concerns. Local knowledge of the wildlife habitat can be very helpful when designing grazing plans. BLM has found cooperative planning involving the rancher, wildlife interests and the government agencies to be the best approach.

S-2

BLM is responsible for wildlife habitat on BLM land and identifying the existing and potential

habitat, based on current and historical data. The MDFWP is responsible for managing populations of each species. Wildlife populations of most species are high at this time. However, upland birds and waterfowl populations are low, primarily as a result of the long drought.

S-3

BLM recognizes that private landowners provide habitat and food for wildlife.

S-4

When a document such as the RMP is prepared, BLM contacts the U. S. Fish and Wildlife Service (FWS) for a list of threatened and endangered species to consider in the management area. The list received from the FWS consisted of the bald eagle, peregrine falcon, black-footed ferret and piping plover. Management of the UMNWSR is addressed in the West HiLine RMP/EIS.

BLM recognizes that data on wetlands occupied by piping plovers and least terns is needed. The RMP/EIS identifies the inventory need for those wetlands occupied and/or potential habitat and provides management protection. This is addressed in the Wildlife and Fisheries Management portion of the Management Common To All Alternatives section of the final RMP/EIS.

S-5

Section 7 compliance has been completed; a copy of the biological assessment and opinion is located in Appendix F of the final RMP/EIS.

S-6

Crucial sage grouse habitat is associated with sagebrush with a canopy cover of better than 15% and a height equal to or greater than 12 inches. Feeding does occur in grain fields and alfalfa meadows, but the birds spend most of there time roosting, loafing, rearing young, etc in or associated with sagebrush. Sage grouse are dependant on sagebrush for winter survival.

S-7

In the Management Common To All Alternatives section of Chapter 2, under Threatened and/or Endangered Species Habitat Implementation section it states... "BLM will consult with the U.S. Fish and Wildlife Service (FWS) when any action "may affect" a threatened or endangered species or its habitat. No action will be initiated on BLM land which will jeopardize any candidate or federally listed threatened and/or endangered plant or animal. Impacts to state designated species of special interest will be evaluated and applicable mitigation developed prior to any action on BLM land. BLM will cooperate with the FWS to fully recover T&E species..."

BLM is responsible for providing habitat for T&E species. If this habitat is modified in any way, Section 7 consultation with the FWS is necessary to get an opinion on the action. These statements along with a management plan for each T&E species will be used to evaluate land use practices and mitigate any actions which would impact T&E species. At the present time with BLM's involvement in the black-footed ferret reintroduction, the FWS has given BLM a "positive may effect" opinion on the preferred alternative.

S-8

The estimates were based on waterfowl potential of the area during ideal conditions with no restraints. This was done to show the potential for production in this area. The estimates did not take into consideration drought or water right constraints which will have an impact on production.

S-9

Bowdoin National Wildlife Refuge has been added to the list of sites where the piping plover is found in the planning area.

S-10

In the Management Common to all Alternatives section of Chapter 2, under Wildlife Habitat Implementation, the paragraph on the North American Waterfowl Management Plan states... "It showed that certain species of ducks, especially the mallard and pintail are in serious trouble."... The redhead and canvasback have been added to the list and pintail will be corrected to the northern pintail. The Bureau will emphasize mallards, northern pintails, redheads and canvasbacks. The final RMP/EIS has been revised to reflect that BLM will emphasize the mallard, northern pintail, redhead and canvasback during habitat development.

S-11

In Chapter 3, under the Threatened and Endangered Wildlife Species section of Wildlife and Fisheries it states that least terns are found on islands in Fort Peck Reservoir and on an island in the Missouri River near Poplar.

S-12

The final RMP/EIS has been revised to reflect that the first record of nesting piping plovers in Montana were at Bowdoin National Wildlife Refuge in 1967 and that plovers were first observed at Nelson Reservoir in 1986, with successful nesting occurring

at both locations since 1986, but not every year and/or at both locations.

S-13

The sharp-tailed grouse data for leks was collected in the early 1980s and is the best data BLM has available.

S-14

The Hungarian partridge has been changed to gray partridge in the final RMP/EIS.

S-15

A sentence has been added to the final RMP/EIS which reflects that the mourning dove, a migratory game bird, is found throughout the planning area.

S-16

The final RMP/EIS has been revised to change the spelling of "widgeon" to "wigeon."

S-17

Neotropical birds are considered in the nongame birds section of the final RMP/EIS and are all inclusive as nongame birds.

S-18

"Bowdoin National Wildlife Refuge" has been added to the stipulation on piping plovers.

S-19

The least weasel, long-legged bat, meadow jumping mouse, masked shrew, northern three-toed woodpecker, vesper sparrow, blue sucker, finescale dace, shortnose gar and cheek chub have been added to Table 2.1.

S-20

Managing wildlife in the planning area is the responsibility of the Montana Department of Fish, Wildlife and Parks which has not proposed reintroducing bison into eastern Montana.

S-21

Most food habit studies for antelope indicate their winter diet consists mainly of sagebrush species. However, during mild winters, crop lands have not been covered with snow and are accessible to antelope. Therefore, the antelope, like other wildlife will take advantage of the best available forage. However, when snow conditions cover the crop lands, antelope rely on sagebrush for winter survival.

S-22

Habitat management is an important part of animal populations. Pheasant populations have decreased as a result of habitat changes. Fence lines and small brush draws were left during farming practices of the 40s, 50s and 60s, but with the new and larger machinery, farming has changed to cleaner farm practices which eliminate many fence rows etc. Also, many of the creek bottoms that once produced small grain crops in the 50s and 60s now produce alfalfa or grass hay which reduces the small grain food supply for pheasants.

Sagebrush is slowly being removed; reducing the crucial habitat for sage grouse. Sagebrush with a canopy cover of over 15% and a height of at least 12 inches is considered crucial habitat.

The increase in predators has also played a role in decreasing bird populations.

RECREATION, WILDERNESS AND VISUAL RESOURCES

T-1

Recreational rockhounding is allowed under all alternatives.

T-2

The Montana Gulch Campground was recommended for closure for the following reasons: 1) An analysis of visitor use to the Montana Gulch recreation site indicates a very low use rate over the past several years; 2) The lack of drinking water plus the presence of contaminated water on the surface raised some safety concerns; and 3) Even though the area receives adequate maintenance services during the summer season, considerable vandalism has taken place in the off-season.

In the final RMP/EIS, BLM would keep the Montana Gulch Campground open and continue the withdrawal. BLM would maintain the campground because of the investment over the past few years and the interest and use by recreationists. BLM may solicit maintenance assistance and recreational initiatives from local and regional groups through coop agreements, cost sharing and volunteer efforts for managing this campground.

T-3

There were 21 outfitters issued a BLM Special Recreation Use Permit for guiding hunters on BLM land in the Lewistown District around the CMR National Wildlife Refuge. They provided services to approximately 140 hunters in 1991.

T-4

The Lewistown District has been working closely with the Montana Board of Outfitters in coordinating

these activities on BLM land. BLM will not allocate permits or specific use areas to outfitters. BLM land in the planning area would be available to the outfitters at the discretion of the area manager.

T-5

The Nez Perce National Historical Trail (NHT) is addressed under Management Common To All Alternatives in Chapter 2 of the final RMP/EIS. The Lewistown District has had a very active role in the Nez Perce NHT and will continue to do so. BLM cooperated with the U.S. Forest Service in completing the comprehensive plan released in October, 1990. A premier segment of the trail is on BLM land northeast of Winifred and is being interpreted both in the UMNWSR and the Missouri Breaks National Backcountry Byway which are managed by the BLM. The North Overland Trail is associated with U.S. Highway 2 and is located in the Valley and Phillips Recreation Management Areas.

T-6

Wilderness study areas (WSAs) will continue to be managed under BLM Interim Management Policy and Guidance for Lands Under Wilderness Review until they are acted upon by Congress. In general, WSAs not designated as wilderness by Congress will subsequently be managed in accordance with guidance for adjacent BLM land.

Bitter Creek was addressed in the final Bitter Creek Wilderness EIS (1989) and determined nonsuitable for wilderness designation.

T-7

Those roads and vehicle ways identified in the final Bitter Creek Wilderness EIS (1989) are authorized for use by the public within the WSA. Any additional routes would be considered in non-compliance with the Wilderness Interim Management Guidelines and steps would be taken correct the situation.

BLM recommended the Bitter Creek WSA as nonsuitable for wilderness designation. If Congress determines the Bitter Creek WSA as unsuitable, off-road vehicle travel would be restricted seasonally to designated roads and trails as shown on Map I. A limited designation for off-road vehicles would achieve the management objectives for this area.

T-8

You are absolutely right, only the BLM land will have specific visual resource management objectives established for them and the RMP/EIS reflects that concern. During the inventory phase for the development of the Fergus Management Framework Plan in 1977, and the Prairie Potholes Vegetation EIS in 1981, all BLM lands as well as the adjacent or intermingling non-BLM lands were rated for their scenic quality, sensitivity and distance zones. This information was used to determine the suitability of these visual resources on BLM land. The visual characteristics of the area are components of the total landscape, not just the BLM lands. This data is then factored into the VRM classes for only the public lands. This information has been carried forward from these previous planning efforts in Management Common To All Alternatives.

T-9

Class I areas include the Square Butte ONA and scattered BLM lands associated with the Upper Missouri National Wild and Scenic River (UMNWSR). Management of the UMNWSR is discussed in the West HiLine RMP/EIS and managing the visual resources for Square Butte is discussed in Chapter 2 of the final RMP/EIS.

T-10

A section for short-term use/long-term productivity relative to visual resource management (VRM) has been added to the final RMP/EIS.

T-11

BLM land within the planning area has been assigned a visual resource management (VRM) class based on a process that considers scenic quality, sensitivity to changes in the landscape and distance zones. This classification only applies to BLM land. Figure 2.1 in the draft RMP/EIS has been revised and is now Map 1 in the back pocket of the final RMP/EIS.

CULTURAL RESOURCES

U-1

The final RMP/EIS revises the Impacts to Cultural Resources section. This information was prepared by an interdisciplinary team; the members are listed in Chapter 5.

U-2

The RMP/EIS does not discuss exact locations for possible development projects within the Little Rocky Mountains. As such, identification of all cultural properties within that portion of the planning area is not required.

U-3

The RMP/EIS is intended to guide land use activities through alternatives for the nine issues identified during scoping. Impacts are addressed by alternative to compare the impacts to these nine issues. Impacts

to Native American sites as well as other cultural properties in the planning area are therefore addressed at a more general level and only as they relate to the nine issues identified during scoping and Management Common To All Alternatives.

Protecting Native American sites was not identified as an issue during scoping. BLM will consult with Native American tribes when its actions have the potential to affect areas of concern to the practitioners of traditional religions and determine if changes are needed to ensure that such rights and freedoms are not abridged by agency practices. Please refer to the Cultural Resource Management section in Chapter 2 of the final RMP/EIS.

Please refer to response I-15 for additional information on a total mineral withdrawal for the Little Rocky Mountains.

U-4

Compliance with the provisions of the National Historic Preservation Act ensures that impacts to National Register eligible properties are considered, thereby reducing the potential impact of agricultural practices such as chisel plowing.

U-5

The final RMP/EIS (Cultural Resource Management section of Chapter 2) notes that BLM includes both cultural properties and traditional lifeway values in its definition of cultural resources. Table S.2 has been revised to show the impacts to cultural properties and traditional lifeway values from the alternatives.

U-6

In some cases, religious sites may also be historic properties as defined by the National Historic Preservation Act (NHPA). The NHPA was enacted to ensure that historic properties are considered by federal agencies in their decisions and planning processes. Religious sites and values are also considered under the provisions of the American Indian Religious Freedom Act (AIRFA). Neither the AIRFA nor the NHPA exclude religious sites or historic properties from disturbance or destruction. Both types of concerns are considered before a decision is made during the environmental analysis of a specific proposed action.

FOREST MANAGEMENT

V-1

BLM timber sales are sold to private contractors. Even though a project requiring a permit is proposed by BLM, the timber purchaser is required by the timber sale contract to preform the actual work and must obtain a 310 permit rather than a 124 permit. If BLM was performing the work, a 124 permit would be obtained. The text has been revised to clarify the difference.

V-2

Timber sale receipts from public domain lands are received by BLM, deposited and distributed as follows; Bureau of Reclamation (76%), general treasury (20%) and state & counties (4%).

WILD AND SCENIC RIVERS

W-1

The resource areas used their riparian inventory data and the Montana Department of Fish, Wildlife and Parks Rivers Study Report to identify the 187 waterways. These two sources addressed stream courses, no matter how long or short the route was.

W-2

The district Recreation Management Information System (RMIS) was also used during the analysis of the routes listed in Appendix I. Table I.1 was used to display the existing data in its most simplistic form, rather than utilizing a narrative format.

W-3

BLM has identified and evaluated river segments within the planning area in order to determine their potential inclusion in the National Wild and Scenic Rivers System. A summary of the evaluation is located in Appendix I of the RMP/EIS. The Milk River, Arrow Creek and Frenchman Creek were not found eligible, while one segment of the Judith River from Ming Coulee to Anderson Bridge was found eligible, but not suitable. The Musselshell River is being evaluated by the Miles City District Office through the Big Dry RMP/EIS.

W-4

Interim management for the Judith River segment that was studied for possible inclusion to the National Wild and Scenic Rivers System is addressed on pages 19, 31 and 364 of the draft RMP/EIS.

W-5

The draft RMP/EIS has been revised to delete the word "appropriate" and add the phrase "not feasible at this time."

W-6

This section has been added to Appendix I in the final RMP/EIS.

ECONOMIC AND SOCIAL CONDITIONS

X-1

A list of assumptions used in the analysis of economic impacts is included in Chapter 4, Environmental Consequences, in the final RMP/EIS.

X-2

The total gross proceeds tax payable in 1991 was $442,881 for metal mine production in Fergus ($119,249) and Phillips ($323,632) Counties. It was based on the gross value of metal mine production for 1990. According to the Montana Department of Revenue, a mine's property tax liability (gross proceeds tax) is calculated by multiplying its gross proceeds by the statutory tax rate (3% of gross proceeds) to determine taxable value. The taxable value is then multiplied by the local mill levy, in this case, Fergus and Phillips Counties mill levies, to determine the tax liability.

Figure 3.9 which shows the gross proceeds value of metal mine production for Fergus and Phillips Counties, has been updated to show the gross value of production through 1991.

X-3

As stated in the text on page 205 of the draft RMP/EIS, there could be an increase in PILT of $47,000 and a decrease in property taxes of $170,000, resulting in a net decrease in tax revenues of $123,000 annually under the preferred alternative (Table 4.24 incorrectly states the increase in property tax could be $172,000 and the net change in tax revenues could be $125,000). This includes all three resource areas. However, under the Land Acquisition and Disposal issue in the final RMP/EIS, there could be a net increase of $30,000 in tax revenues across the planning area.

X-4

Chapter 4 in the RMP/EIS addresses the implications to economic and social conditions from the alternatives. If a proposal for expanded mining is received, population and related service and infrastructure requirements and social impacts would be examined in detail. The employment increases not associated with mining could occur over many years and over a six county region. In addition, much of the employment would be drawn from local labor pools. At best, this increase in employment would ameliorate ongoing population declines.

X-5

Chapter 3 is a discussion of the affected environment. Some of the information discussed in Chapter 3 is not carried into Chapter 4, Environmental Consequences, because no change from the current situation is predicted. In all cases, the economic impacts discussed in Chapter 4 are presented as changes from the current situation. To compare impacts among alternatives, refer to Table S.2, Summary of Environmental Consequences.

X-6

The planning area includes six counties (all of Fergus, Judith Basin, Petroleum, Phillips and Valley Counties and the southern portion of Chouteau County). The impacts to tax revenues are based on changes to PILT and property taxes in each of the six counties. With the exception of Phillips County, it was estimated that the tradeoffs between property tax changes and PILT changes could result in a net increase (or no change) in tax revenues in each county. In Phillips County, property tax revenues could decline, but PILT payments would not increase because Phillips County is already receiving the maximum payment allowed by law. Therefore, there would be a net loss of tax revenue in Phillips County. For the planning area, increases in revenues more than offset the decreases, resulting in a net increase of $9,000 in tax revenues. Table 4.20 of the draft RMP/EIS summarizes these changes.

X-7

County tax bases are described in detail in Chapter 3, Affected Environment (pages 142 to 143 of the draft RMP/EIS). Impacts to county taxes (such as PILT, property taxes and gross proceeds tax on metal mine production) are discussed in Chapter 4, Environmental Consequences, under each issue where impacts would occur. For example, in the section on Economic Impacts from Riparian and Wetland Management of Watersheds, property tax revenue changes due to changes in livestock production were discussed on page 209 of the draft RMP/EIS.

Chapter 4 in the RMP/EIS addresses the implications to economic and social conditions from the alternatives. If a proposal for expanded mining is received, population and related service and infrastructure, and social impacts, would be examined in detail. Employment increases not associated with mining would occur over many years and over a six county region. In addition, much of the employment would be drawn from local labor pools. At best, this increase in employment would ameliorate the ongoing population declines.

Impacts to income and employment are presented by resource area and by industrial sectors (livestock, tourism/recreation, crops, forest products) for each issue where this type of change can be quantified (see the economic impacts for the Judith Mountains Scenic area in the final RMP/EIS). The Phillips RA and Valley RA comments are presented by county and most of the impacts in the Judith Resource area would occur in Fergus County.

Community stability and cohesiveness would not be significantly affected by implementing the preferred alternative, unless increased mining development occurs. If a proposal for expanded mining is received, social impacts would be examined in detail.

All impacts cited in the economic and social sections are long term, unless specifically stated to be short term.

A summary of the cumulative long-term impacts to economic and social conditions is discussed on pages 224 through 231 of the draft RMP/EIS.

X-8

The Fiscal Conditions section of Chapter 3, including Table 3.31, has been updated to reflect these changes.

X-9

The information presented in the draft RMP/EIS represents the best information available at the time the analysis was done. In some cases, data has been updated. In addition, the analysis of economic impacts in the Judith Mountains Scenic Area ACEC in the final RMP/EIS now includes a larger open-pit operation. Please refer to response J-34 for additional information.

X-10

Pages 137 to 151 of the draft RMP/EIS describe economic and social conditions of the region, including an historic perspective. There is also an analysis of regional concerns over future resource use and conditions. The analysis recognizes that, while tourism and recreation are increasing in importance in the region and agricultural output and employment are declining, agriculture still provides the economic and social base for the region.

X-11

Tourism expenditure data was not available for individual counties within the state, unlike agricultural statistics which are reported annually for each county. The information on nonresident travel expenditures was obtained from the Institute for Tourism and Recreation Research (ITRR) at the University of Montana. ITRR conducts biennial surveys of nonresident travelers in order to estimate the impact of tourism on the state's economy. Information is analyzed and presented according to six regional areas in Montana. The planning area studied in this draft RMP/EIS lies across two of these regional areas, the Missouri River Country and the Charlie Russell Country. These two areas contain the 21 counties referred to in the draft RMP/EIS. Thus, data was reported for all 21 counties.

X-12

While the document does not use the term "viability of local communities", local economies and social well-being are discussed in detail in Chapter 4, Environmental Consequences on pages 199 to 219 of the draft RMP/EIS. A summary of the cumulative effects to local economies and social well-being is discussed on pages 224 to 231. Social well-being addresses lifestyle changes.

X-13

The economic analysis does consider the multiplier effects due to a loss of AUMs. Although the method of analysis used in the draft RMP/EIS differs somewhat from Mr. Lacey's, the resulting AUM value is similar. The preferred alternative in the draft RMP/EIS estimates that 31,116 AUMs could be lost (page 174 of the draft RMP/EIS) and that this could result in an estimated $2.248 million loss of economic activity, rounded to $2.2 million (page 204 of the draft RMP/EIS). Dividing $2.248 million by 31,116 AUMs produces a value of $72.25 per AUM. As indicated on page 155 of the draft RMP/EIS, these are 1987 dollars. Adjusting 1987 dollars to 1988 dollars, the year used in Mr. Lacey's study, produces a value of $74.06 per AUM, assuming a 2.5% rate of inflation (producer price index for 1988). This figure is notably similar to the $74.46 per AUM value used in Mr Lacey's study.

X-14

The economic impacts are described for the three resource areas on pages 199 to 214, 224 to 229, and 231 to 234 in Chapter 4 of the draft RMP/EIS. In some cases information has been updated or revised in the final RMP/EIS. Where possible, economic impacts were quantified. As described in these sections, there may be no impact or there may be a significant impact, depending upon which resource and which resource area is affected. The analysis of impacts throughout the RMP/EIS is based on full implementation of the alternatives. For example, under the Land Acquisition and Disposal issue in each alternative of the draft RMP/EIS, the analysis assumed that all lands identified for disposal could

be disposed of and all lands listed as meeting the acquisition criteria could be potentially acquired. This is a very long-term assumption. Therefore, in the short-term, there would be few impacts and they would not be significant under any alternative.

PLANNING PROCESS

Y-1

The Judith Valley Phillips RMP/EIS is required by the Federal Land Policy and Management Act of 1976, and the National Environmental Policy Act of 1969. The RMP/EIS began in September 1988 and will conclude with a Record of Decision in the summer of 1992. It is estimated that the cost of the RMP will be $900,000. RMPs are being completed for all public lands administered by BLM.

Alternative A is required by NEPA and is current management or the No Action Alternative. The issues reflect concerns or conflicts which should be partially or totally resolved through selection of the preferred alternative. Management Common To All Alternatives, in Chapter 2, will continue regardless of which alternative is selected; management common includes livestock grazing allocations, wilderness recommendations, cultural resource management, etc.

Y-2

BLM is required by the Endangered Species Act of 1973, as amended, to carry out programs for the conservation of threatened and endangered species.

BLM currently has the authority for land exchanges, timber sales, AUM allocations and permitting mining activities. This authority is provided in various laws and regulations.

Visual resource management (VRM) is addressed in Chapter 2 of the final RMP/EIS under Management Common To All Alternatives. BLM land within the planning area has been assigned a VRM class based on a process that considers scenic quality, sensitivity to changes in the landscape and distance zones. Each class has a management objective which prescribes the level of acceptable change in the landscape. Surface development will be designed or mitigated to compliment and harmonize with the natural features and the VRM class objectives. These objectives may not always be met with non-discretionary actions such as a mine plan approval or exceptions may occur after evaluation and at the discretion of the authorized officer.

An RMP sets forth the terms, conditions and decisions that apply to BLM management activities and operations which are presented in the form of multiple-use prescriptions. For example, while BLM has the authority to lease public land for oil and gas, BLM must set forth the areas that will be closed to leasing, open with standard terms and conditions, open with stipulations and open with a no surface occupancy restriction. This must be done through a land use plan and related environmental impact statement with full public participation.

Y-3

The RMP provides a comprehensive plan for managing federal resources administered by BLM for the next 10 to 15 years.

Y-4

BLM is not required to address ongoing administrative functions in a land use plan. A resource management plan sets forth the terms, conditions and decisions that apply to BLM management activities and operations which are presented in the form of multiple-use prescriptions.

Y-5

A takings implications study as described in EO 12630 "refers to Federal regulations, proposed Federal legislation, comments on proposed Federal legislation, or other Federal policy statements that, if implemented or enacted, could effect a taking, such as rules or regulations that propose or implement licensing, permitting, or other condition requirements or limitations on private property use, or that require dedications or exactions from owners of private property. "Policies that have taking implications" do not include:... (4) Studies or similar efforts or planning activities:...".

A takings implications is not required for a land use plan that provides management guidance for public lands administered by the BLM.

Please refer to response Y-18 for additional information.

Y-6

While developing land use plans, BLM will continue to use and observe the principles of multiple-use and sustained yield.

Y-7

Sustained yield means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use.

Y-8

One issue that cannot change in the RMP is the identification of habitat for the black-footed ferret. BLM is required by the Endangered Species Act of 1973, as amended, to carry out programs for the conservation of threatened and endangered species. A block of land of mixed ownership (BLM, CMR, DSL, and private) in the Phillips RA supports prairie dog populations and habitat suitable for the endangered black-footed ferret and is key to the recovery of the black-footed ferret in the United States. This RMP must identify that habitat.

Y-9

The Upper Missouri Wild and Scenic River is not analyzed in this RMP; it was addressed in the West-Hiline RMP. Wilderness study areas are high priority areas for implementing AMPs.

Y-10

This would be beyond the scope and authority of the RMP and BLM regulations.

Y-11

A Federal Register notice was issued on Friday, June 21, 1991 on the availability of the draft Judith Valley Phillips Resource Management Plan and Environmental Impact Statement. This notice also met the requirements of 43 CFR 1610.7-2 for designation of ACECs. Written comments on the draft RMP/EIS would be accepted for 90 days following the date the Environmental Protection Agency publishes the Notice of Filing of the draft in the Federal Register. EPA published the Notice of Filing on Friday, July 12, 1991 which allows the comment period to end on October 9, 1991. Subsequently, a supplement to the Notice of Availability was published in the Federal Register, Volume 56, Number 174, Monday, September 9, 1991. This supplement extended the public comment period to December 15, 1991, and announced two additional public meetings concerning the draft RMP/EIS. This was followed by an EPA Federal Register notice on Environmental Impact Statements Notice of Availability, published in Volume 56, Number 178, Friday, September 13, 1991. The 60-day comment period on ACECs is a minimum and can be extended.

Y-12

The preferred alternative is Alternative E.

Y-13

Yes, another alternative can be proposed.

Y-14

The Judith, Valley and Phillips RAs are formulating and working on the RMP/EIS with assistance from the Lewistown District and Montana State Offices. This includes approximately 80 people.

Y-15

The area managers will prepare a final decision for Montana State Director approval. This decision will be released as a final RMP/EIS with a 30-day protest period. After the protest period ends, a Record of Decision (ROD) can be issued on those portions of the plan that are not under protest. A ROD can only be issued after the resolution of the protests and a decision by the Director of the BLM.

Y-16

The decisions outlined in the RMP would be implemented over a period of 10 to 15 years, depending on budget and staff availability. Funding levels would affect the timing and implementation of management actions and project proposals, but would not affect the decisions made under this RMP.

Y-17

Prior to the approval of a proposed resource management plan, the State Director will submit to the Governor of Montana the proposed plan and identify any known inconsistencies with state and local plans, policies or programs. The Governor then has 60 days in which to identify inconsistencies and provide recommendations in writing back to the State Director. The document submitted for review is the proposed plan, not a draft.

Y-18

BLM respects and recognizes the importance of local land use plans and will continue to review this RMP/EIS for consistency with other federal, state and local government or Indian Tribe planning efforts. Such consistency is an ongoing process and one of the needs which requires BLM to prepare and monitor comprehensive land use plans.

Y-19

As stated in the draft RMP/EIS, BLM planning regulations require that resource management plans be "consistent with officially approved or adopted resource related plans of other federal agencies, state, and local governments, and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies, and programs of federal law, and regulations applicable to public lands...". (43 CFR 1610.3a)

Chapter 1 of the final RMP/EIS has been revised to include that BLM would be consistent with local land use plans so long as they are consistent with the purposes, policies, and programs of federal law, and regulations applicable to public lands. BLM

could also amend this RMP/EIS if necessary based on local land use plans.

Y-20

The National Environmental Policy Act requires that the federal agencies thoroughly evaluate and document the individual and cumulative effects to the human environment of all proposed actions. A No Action Alternative must be included along with any proposed actions. Environmental analysis of this alternative and any other alternatives which preclude or restrict potential development activities (e.g. mining, oil and gas, highways, etc.) must identify those negative effects that would not occur and the resulting positive effects that would occur if any of these alternatives would be implemented.

The positive effects of not permitting developmental actions can, and do, result in positive or neutral "no change" impacts to the existing environment. These effects must be evaluated and documented per NEPA. As defined by 40 CFR 1508.8, effects can include ecological, aesthetic, historic, cultural, economic, social or health values. The material presented is relevant to the environmental consequences.

Y-21

The environmental consequences addressed in Chapter 4 describe the impacts associated with implementing each alternative presented in Chapter 2 as required under 40 CFR 1502.16. The discussion includes the impacts of each alternative without a comparison between alternatives. As required by 40 CFR 1502.14, this information is then used to form the basis for the comparisons as shown in Table S.2. Table S.2 would be the best place to show these impact possibilities within the context of Alternative E. Table S.2 has been revised as necessary to better show the comparisons.

Y-22

The environmental consequences in Chapter 4 consider the cumulative impacts based on known reasonably foreseeable actions; this is most notable with reasonable development scenarios for hardrock mining and oil and gas leasing and development. The Summary of the Cumulative Effects in Chapter 4 is a brief statement on the cumulative impacts based on the analysis in Impacts from Management Common To All Alternatives and Impacts by Alternative. The summary for air and water quality states, that overall "the effects would be positive" but does recognize that water quality could be impacted by cyanide contamination from hardrock mining operations. This conclusion is based on the analysis under Impacts by Alternative to Air and Water Quality from Hardrock Mining, "If state and federal regulations are followed, no significant water quality degradations should occur, under normal operating conditions."

The analysis and summary recognize the potential risk if normal conditions are exceeded. Offsite impacts are addressed in the environmental consequences where they are applicable. There are no known reasonable foreseeable actions from the Fort Belknap Indian Reservation that would change the environmental consequences in the RMP/EIS.

Y-23

Congress has declared that it is the policy of the United States that the public lands provide, among other things, food and habitat for domestic livestock. BLM is committed to achieve riparian area improvement and maintenance objectives through the management of existing uses, including livestock grazing, wherever feasible. An interdisciplinary approach will be used by the BLM in developing and implementing management strategies geared toward improving riparian conditions.

Y-24

The RMP process began in September 1988, with a Notice of Intent published in the Federal Register. This was followed in October, with an issue brochure mailed to 1,897 agencies, organizations and individuals along with public meetings in November in Glasgow, Malta, Winifred, Winnett and Lewistown. All publics are given equal opportunity to participate in the planning process. The public involvement process is described in Chapter 5 of the final RMP/EIS.

Y-25

The public scoping meetings held in November of 1988, were not recorded, but a register of people who attended is part of the public participation record.

Y-26

"Public" means affected or interested individuals, consumer organizations, public land resource users, corporations and other business entities, environmental organizations, other special interest groups and officials of state, local and Indian tribal governments.

Y-27

The format for the first seven public meetings was consistent. These meetings were held in Glasgow, Malta, Hays, Billings, Winifred, Winnett and Lewistown. After completing these seven meetings, BLM received a request for another meeting to record formal testimony. Two additional public meetings were held in October in Malta and

Lewistown. A court reporter transcript of public comments was prepared for the two additional meetings and is a portion of this final RMP/EIS.

Y-28

A transcript of the questions and concerns was not recorded at the public meetings held in Malta, Glasgow, Hays, Winifred, Billings, Winnett or Lewistown in July and August. A summary of the questions and comments was prepared by BLM representatives who attended each meeting and is part of the final RMP/EIS.

Y-29

BLM initially held seven meetings in July and August to provide the public the opportunity to ask questions, address concerns and provide comments on the draft RMP/EIS. Formal public hearings involve the recording of testimony by the public and do not allow BLM to answer questions or clarify the draft RMP/EIS. Formal public hearings are ineffective for resolving land management conflicts, which is what BLM attempts to do through resource management planning. Informal discussions are much more likely to help resolve conflicts. For these reasons, BLM made the decision to have public meetings rather than public hearings. Two additional public meetings were held in Malta and Lewistown in October and a court reporter transcript of public comments was prepared. Again this was not a formal public hearing. The request by the public was for a public hearing to discuss local concerns of the draft RMP/EIS with landowners and members of the community while oral comments were recorded. While a public hearing would allow the recording of comments it does not allow a discussion with landowners and members of the community.

Y-30

The Director made the decision to extend the 90-day public comment period. The lead agency, in this case BLM, may extend prescribed periods (40 CFR 1506.10(d)). While the public comment period ended on December 15, 1991, comments received through December 31, 1991 were used to prepare the final RMP/EIS and are included in Volume 2.

Y-31

The extension of the public comment period applies to the draft RMP/EIS which included seven potential ACECs recommended for designation.

Y-32

To make it more convenient for people to read and prepare comments on the RMP/EIS, the public comment period was extended to December 15, 1991, and two additional public meetings were held in Malta and Lewistown. A court reporter transcript of public comments was prepared for the two additional meetings and is a portion of this final RMP/EIS.

Y-33

The public participation record is available for review at the BLM office in Lewistown and a summary is included in Chapter 5 of the final RMP/EIS.

Y-34

The preferred alternative in the final RMP/EIS reflects changes based on public comments received on the preferred alternative in the draft RMP/EIS.

Y-35

During the public comment period on a draft RMP/EIS, BLM listens and gathers public comments, questions and concerns. Changes to the draft occur after the public comment period ends and are reflected in a final RMP/EIS. The final RMP/EIS reflects changes based on public comments. These changes are noted within the responses to the public comments and the highlighted portions of the final RMP/EIS.

The resource area managers will prepare a final decision for State Director approval. This decision will be released as a final RMP/EIS with a 30-day protest period. After the protest period ends, a Record of Decision (ROD) can be issued on those portions of the plan that are not under protest. A ROD can only be issued after the resolution of the protests and a decision by the Director.

Y-36

The Coordinated Resource Management Planning (CRMP) process was used to address several issues in this RMP/EIS. The intent is to closely involve the public with BLM's planning process by enlisting a cross section of private and public sector individuals to help study and solve a planning issue. Participation in the CRMP process is voluntary. Please refer to Chapter 5 in the final RMP/EIS for additional information on the CRMP process.

Y-37

The state and various state agencies have been involved and briefed on the Judith Valley Phillips RMP/EIS.

Y-38

BLM has involved the counties within the planning area in the land use planning process beginning with the Issue Brochure in October 1988, and subsequent stages of the planning process as described in Chapter 5 of the final RMP/EIS. BLM

respects and recognizes the importance of local land use plans and will continue to review for consistency with other federal, state and local government or Indian Tribe planning efforts. Such consistency is an ongoing process and one of the needs which requires BLM to prepare and monitor comprehensive land use plans.

Y-39

The RMP/EIS does not ignore the presence of the Fort Belknap Indian Reservation. Page 1 of the draft acknowledges that 114,057 acres of the reservation are within the planning area boundary and recognizes that "Other significant landowners include the Fort Belknap Indian Reservation,...". The draft RMP/EIS recognizes the concerns of members of the Fort Belknap Indian Reservation about mining in the Little Rocky Mountains including the impacts to water quality and quantity; reservation resident's health; Native American cultural, religious and social practices; wildlife, including fisheries; air quality; and the potential escape of cyanide solution from mines sites.

The Environmental Consequences section also addresses the impacts from mining activity in the Little Rocky Mountains and that for the foreseeable future the local labor pool, primarily from Phillips County and the Fort Belknap Indian Reservation, would continue to fill a significant portion of new jobs created by the mining industry in the Little Rocky Mountains. The analysis also acknowledges the concerns with additional mining.

Y-40

BLM has involved the Fort Belknap Community Council in the land use planning process beginning with the Issue Brochure in October 1988, and subsequent stages of the planning process as described in Chapter 5 of the final RMP/EIS. This includes meetings with the council and providing the opportunity to meet with other individuals to discuss the land use planning effort. For additional information please refer to response Y-39.

Y-41

Additional information is available for review at the Lewistown District Office. The request from the National Wildlife Federation (NWF) for information concerning the ACEC nominations was received on November 7, 1992. BLM responded on November 22, 1992 indicating that due to the length of the documents requested (465 pages) there would be a photocopying charge required or the documents were available for review at the Lewistown District Office. BLM did not receive a response from the NWF requesting a photo copy.

Y-42

The public meetings were held to provide the public the opportunity to ask questions, address concerns and provide comments on the draft RMP/EIS. The transcripts were prepared to record the publics comments, questions and concerns on the RMP/EIS. Changes to the draft occur after the public comment period ends and are reflected in a final RMP/EIS along with BLM's responses to questions and revisions. BLM's responses were not recorded to reduce the cost of the transcript since they would not become part of the final RMP/EIS and responses are based on changes to the document after the public comment period.

Y-43

The Federal Land Policy and Management Act (FLPMA) of 1976, Section 202, requires that BLM land use plans shall be consistent with state and local plans to the maximum extent, consistent with federal law and the purposes of the Act. This section of the law, however, does not abrogate or delegate BLM's responsibility for management of the public lands to anyone or any organization. The intent is that BLM will coordinate with local government in our administration of the public lands.

The Valley County Interim Land Use Policy Plan is modeled after one from Catron County, New Mexico. Attorneys for the Department of the Interior and the Department of Agriculture have determined that the Catron County plan is not consistent with Federal laws and regulations, and BLM and the Forest Service will not comply with it in its present form. As currently written, BLM cannot be consistent with the Valley County plan since it is has several portions which are not consistent with Federal laws and regulations.

GENERAL

Z-1

Withdrawal revocation is a process whereby the BLM would revoke and discontinue a current withdrawal. The withdrawal for Judith Peak, located in the Judith Mountains, would be revoked and opened to mineral entry.

Z-2

The land status on the maps in the draft RMP/EIS was last updated in 1982. The land status for the three resource areas has since been updated and the maps corrected for the final RMP/EIS.

The access map, Map 3 in the back of the final RMP/EIS, now includes a base road system at the map scale of 1:500,000. This map has been corrected to show the highways and major county roads. The maps have not been revised to show all the buildings within the planning area since these maps are a representation of land status.

Z-3

Water developments are addressed under Management Common To All Alternatives in Chapter 2 of the final RMP/EIS.

Z-4

The area manager for the Judith RA is responsible for management of the Upper Missouri National Wild and Scenic River (UMNWSR). The boundary for the UMNWSR can be found in the 1978 River Plan. The latest recognized date of the boundary is April 21, 1980. However, this is currently under litigation with an appeal before the Interior Board of Land Appeals.

Z-5

BLM cannot discuss cases that are currently under litigation with an appeal before the Interior Board of Land Appeals.

Z-6

The reference section has been updated in the final RMP/EIS.

Z-7

Table 4.6 has been revised to show "0.22 mg/l WAD" for surface water.

Z-8

Your name has been added to the mailing list.

Z-9

The draft RMP/EIS has been revised.

Z-10

Resource information such as physiographic provinces, soil subgroups and mineral potential are used to show the resources present in an area. This information is used when determining the management or use of BLM land. This information by itself does not change or prevent change of BLM management and does not affect other lands such as state, county or private.

Please refer to response T-11 for additional information concerning visual resources.

Z-11

The acres of public lands administered by BLM are shown in Table 1.1 of the final RMP/EIS; 2,806,157 acres.

Z-12

Regulations on BLM land would be enforced by the respective resource area office with the assistance of a BLM law enforcement ranger. BLM does not have the authority to enforce regulations on private land.

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